



Report to the Auburn City Council

Action Item

Agenda Item No. **9**

City Manager's Approval

To: Mayor and City Council Members
From: Lance E. Lowe, AICP, Associate Planner *[Signature]*
Date: November 23, 2009
Subject: Public Hearing to Consider an Appeal of the Planning Commission's Approval of the Tuscan Palms Townhomes Design Review, Tentative Subdivision Map & Tree Permit Located at 133 & 141 Electric Street – (Files DRP 09-3; SUB 09-1; & TP 09-3).

The Issue

Should the City Council deny the appeal, thereby affirming the Planning Commission's approval of the Tuscan Palms Design Review, Tentative Subdivision Map and Tree Permit, or should the City Council approve the appeal, thereby overturning the Planning Commission's approval of the project?

Conclusions and Recommendation

On October 20, 2009, the Planning Commission considered the Tuscan Palms Design Review, Tentative Subdivision Map and Tree Permit located at 133 & 141 Electric Street (**Exhibits A - E**). The project consists of a multi-family development which includes the construction of both attached townhomes and detached units ranging in size from $\pm 1,155$ to $\pm 1,345$ square feet on $\pm 1,066$ to $1,346$ square foot lots with associated common parking and landscaping improvements. An established Home Owners' Association (HOA) will take ownership of the common areas and have the responsibility for maintenance. A tree permit is required for the removal of eleven (± 11) native trees.

After considerable public testimony at the Planning Commission hearing regarding open space, privacy, noise, sewer capacity, drainage, water table, parking, site access and tree impacts, the Planning Commission approved the Tuscan Palms Design Review, Tentative Subdivision Map and Tree Permit (Moved: Snyder; Seconded: Vitas; Ayes: Snyder, Spokely, Vitas, and Young; Noes: Chair Worthington) (**Exhibit F**). Based upon the public hearing discussion; additional conditions imposed by the Planning Commission relating to the monument sign, pedestrian access, privacy, curb, gutter, and sidewalk, groundwater, and sanitary sewer; and, the Planning Commission's decision, Staff recommends that the City Council take the following actions:

- A. By Resolution (**Exhibit J**) deny the appeal thereby affirming the Planning Commission's approval of the Tuscan Palms Design Review, Tentative Subdivision Map and Tree Permit as presented, which includes the following actions:

1. Adoption of a Class 32, Categorical Exemption, prepared for the Design Review, Tentative Subdivision Map and Tree Permit as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adoption of "Findings of Fact" for approval of the Design Review, Tentative Subdivision Map and Tree Permit as presented in the Council Report; and,
3. Approval of the Design Review, Tentative Subdivision Map and Tree Permit in accordance with the "Conditions of Approval" as amended by the Planning Commission and presented in the Council Report.

This motion may also be adjusted if the Council wishes to grant the appeal in part and order changes to the project, such as alteration of the Conditions of Approval.

Alternative Motion (Denial)

- B. By Resolution uphold the appeal, based upon substantial evidence in the public record, thereby denying the Tuscan Palms Design Review, Tentative Subdivision Map and Tree Permit and direct staff to prepare appropriate Findings and Resolutions for City Council consideration at the next available meeting. Denial requires a Council conclusion that Findings for denial can be made and supported by substantial evidence in the public record.

Background & Analysis

A Planning Commission public hearing was held on October 20, 2009 for the Tuscan Palms project. During the hearing, considerable public testimony regarding open space, privacy, noise, sewer capacity, drainage, water table, parking, site access, and tree impacts were presented. After much deliberation of these issues by the Commission, minor editing, further clarification, and the imposition of additional Conditions of Approval, the Tuscan Palms Townhome project was approved by the Planning Commission (Moved: Snyder; Seconded: Vitas; Ayes: Snyder, Spokely, Vitas, and Young; Noes: Chair Worthington). The lone commissioner who voted "no" expressed concerns that the neighboring residents should have more time to review the documents and Conditions of Approval prior to the Planning Commission rendering a decision.

On October 30, 2009, an appeal was filed by Ms. Nancy S. Lange et al. with the City Clerk's Office citing open space, privacy, noise, sewer capacity, drainage, water table, parking and potential Tree impacts as the reasons for appeal (**Exhibit G**).

Following, staff has provided an analysis of the aforementioned issues raised by the appellants:

Open Space:

As proposed, open spaces within the Tuscan Palms Townhome project consist of building setbacks; front and rear yards; and planter strips that adjoin buildings, the parking lot and adjoining properties. The maximum building coverage in the R-3 Zone is 40%. Building coverage for the Tuscan Palms project is approximately 27%. Building and parking lot improvements constitute an estimated 68% of the lot coverage, while landscaping represents

approximately 32% of the lot coverage. Parking lot shading represents approximately 78% of the parking lot area according to the proposed landscaping plans (**Page 7 of 9 of Exhibit K**). The proposed project complies with the City's setback and landscape requirements.

Public Works Condition of Approval 52, requires that prior to acceptance of the Final Map by the City Council, the developer shall contribute appropriate per lot fees, in the sum of \$1,073.28 per lot for a total of \$9,659.52 to the Auburn Recreation District improvement fund.

Privacy:

Two existing duplexes are located at 125-131 Electric Street adjoining the project site to the south. As configured, the rear of Building I, which includes bedroom and bathroom windows, backs against the rear of the existing duplexes. Consequently, privacy of tenants located at 125-131 Electric Street was identified as an issue considering that the setbacks between the proposed Tuscan Palms Townhome project and the duplex units was purported to be ± 10.5 feet between buildings.

Based upon the concerns presented by the duplex property owner (Mr. Sergio Platonoff) relating to privacy of his tenants, the Planning Commission added Planning Condition of Approval No. 24 that requires the developer to provide a "Sight Line Diagram" and install opaque windows if the sight line diagram reveals that the privacy of tenants at 125-131 may be impacted. Planning Condition No. 24 reads as follows:

- 24. To protect the privacy of tenants located at 125-131 Electric Street, the developer shall submit a Sight Line Diagram to the Community Development Department for review and approval. If the Sight Line Diagram reveals that bedroom window views from the Tuscan Palms Townhome project may impact the privacy of the residents located at 125-131 Electric Street, the developer shall install opaque windows on the south facing walls adjoining 125-131 Electric Street. The opaque windows shall be shown on the construction plans for the project.**

It should be noted that upon further review of the setbacks between buildings, based upon a survey by the developer's surveyor, the duplex units are ± 7.14 to ± 7.48 feet from the property line or ± 14.64 and ± 14.98 feet between buildings.

Privacy was also a major concern with residents of both Ruby and Diamond Streets. However, as the photographs illustrate, the views from the Ruby and Diamond Street properties are heavily screened by existing trees (**Exhibit C**). These views will be further screened with fencing and trees that will be installed as part of the Tuscan Palms Townhome project in accordance with Planning Conditions of Approval No. 5 & 18.

The proposed project complies with the City's building setback and height requirements.

Noise:

The proposed Tuscan Palms Townhome project will include both short term and long term additional noise to the Electric Street neighborhood. Short term noise impacts relating to construction will occur during project construction. Considering the short term construction

impacts coupled with construction related conditions as noted below, short term construction related noise impacts are considered within an acceptable range.

Public Works Conditions of Approval No. 7 adopted for the project limits all construction related activities in accordance with the Auburn Municipal Code as follows:

7. All construction activities shall be limited to the hours allowed by Title 9, Chapter 93 of the Auburn Municipal Code:
 - i. The performance of any construction, alteration or repair activities which require the issuance of any building, grading, or other permit shall occur only during the following hours:
 - ii. Monday through Friday: 7:00 a.m. to 6:00 p.m. For the period of June 1 through September 30 of each year, the permissible hours for masonry and roofing work shall be from 6:00 a.m. to 6:00 p.m.
 - a. Saturdays: 9:00 a.m. to 5:00 p.m.
 - b. Sundays and observed holidays: 10:00 a.m. to 6:00 p.m.
 - iii. Any noise from the above activities, including from any equipment, shall not produce noise levels in excess of the following:
 - a. Saturdays: 80 dba when measured at a distance of twenty-five (25') feet.
 - b. Sundays and observed holidays: 70 dba when measured at a distance of twenty-five (25') feet.
 - c. The Building Official may grant a permit for building activities during other time periods for emergency work or extreme hardship. "Emergency work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger. Any permit issued by the Building Official shall be of specified limited duration and shall be subject to any conditions necessary to limit or minimize the effect of any noise.

Long term noise impacts resulting from the project include typical noise associated with a residential neighborhood, including, but are not limited to: additional residents, automobiles, HVAC condensers, sprinklers, etc. However, these noises are anticipated to be within the accepted residential standards of the City of Auburn General Plan Noise Element.

Sewer Capacity:

Operations personnel from the wastewater treatment plant provided information on the existing sewer system in the general vicinity of Electric Street to determine the capacity for the Tuscan Palms development. The area in question is hydro cleaned annually during the month of November.

The condition of the pipe from the manhole located near Electric Street and Stephens Drive to Diamond Street is in fair condition with moderate offsets to some joints. The capacities of these lines are sufficient for the gravity sewer and the force main from Auburn Woods Condominiums.

From Diamond Street to Roses Roofing yard located on Team Track there are areas of inflow and infiltration through service connections and pipe joints to line M-308 located in the backyard of 139 Electric Street due to the age of the line. In addition, line M-1275 runs under 140 Ruby Street to manhole S-1687 located in the driveway of 140 Ruby Street. Line M-336 from manhole S-1687 runs under 191 Ruby Street to Roses Roofing yard. These lines have some light roots in joints. The flows to these lines are also impacted by inflow and infiltration. The wastewater flow in these lines is at nearly half pipe capacity. The 6-inch pipe running under the railroad tracks on Team Track Road from manhole (S-1682) to manhole (S-1651) transitions from clay pipe to ductile iron pipe under the railroad tracks (M-346). This 6-inch ductile iron pipe is reduced in diameter due to rust build up. The friction is high when wastewater travels through the pipe and it has also hindered the ability to televise the pipe. During a callout for the severe storm on December 31, 2005, manhole S-1682 located in Roses Roofing yard was holding two to three feet of water. This was due to the surcharged lines and the ductile iron pipe under the railroad tracks restricting flow (**Exhibit I**).

The majority of callouts are from the area of Roses Roofing yard and upstream towards Diamond Street. Repairs and replacement of these lines on Ruby Street, Diamond Street and Walker Drive has improved the flow and condition in these areas.

The proposed sewer contribution from the nine unit Tuscan Palms is negligible relative to the existing flow within the pipe. In addition, it is anticipated that drainage improvements to the site will reduce the infiltration into the ground by directing the flows into the storm drain system. The reduction of groundwater will reduce the infiltration into the sewer system thus alleviating a portion of the flows during heavy rain events. Infiltration and inflow is an issue typical of older sewer systems. City of Auburn staff is not aware of any wastewater leaving the sewer system with the exception of private sewer service laterals. On-going maintenance of the existing sewer system will occur as necessary.

Based upon concerns expressed by neighbors, the Planning Commission modified Public Works Condition of Approval No. 37 to read as follows:

37. The applicant shall verify the capacity and competency of the existing sewer laterals, sewer lines and manholes, **including offsite sewer lines**. If manholes or sewer lines are not acceptable, upgrades and/or repairs shall be required by the applicant, **or the City**, to the satisfaction of the Public Works Department **before the project may proceed (i.e. prior to the approval of improvement plans or issuance of a grading permit)**.

Drainage:

A preliminary drainage study was prepared by Giuliani & Kull dated May 2009. According to the preliminary drainage study, the overall predevelopment watershed consists of approximately 0.62 acres or 26,900 sf. of undeveloped rural land except for one small residential structure which will be demolished. The terrain is moderately sloping. Ground cover is predominately grass land with sporadic oaks. Soil type is predominately SCS type C (moderate runoff potential). The watershed limits are defined by natural existing ground relief.

On-site watershed runoff conveyance is primarily by sheet flow that is collected by an existing storm drainage system. Final outfall is by natural drainage swale and overland flow which ultimately discharges into the existing storm drainage system.

Site improvements consist of approximately 400 linear feet of paved road, nine covered parking spaces and nine townhomes. The remainder of the project watershed will remain as-is. Due to moderate runoff potential of soil and existing land cover to remain, no down stream structures will be affected and impacts of runoff potential are expected to be minimal.

On-site drainage will be by typical concrete curb, valley gutter, and drain inlets. The on-site drainage will enter the existing storm water drainage system at the west end of the project. The remainder of the project site will discharge as sheet flow. The project will remain similar to predevelopment watershed acreages and points of discharge. The addition of three drop inlets and a small amount of storm drainage pipe will be used at the appropriate locations.

Drainage systems will be designed to convey 10-year and 100-year design storms as outlined in the Placer County and City of Auburn Stormwater Management Manuals.

Public Works Conditions of Approval 28 through 36 require storm drainage improvements consistent with the City's drainage design standards, including the requirement for retention and/or detention. When grading and improvement plans are submitted for the site, and before improvement plans are approved, the applicant will be required to fully design the site so that there is no net increase of offsite drainage and that offsite drainage will be directed safely and effectively to the existing facilities that can accommodate the flow.

Water table:

A Geotechnical Report was prepared for the project by Earthtech, Inc., dated June 10, 2009. The purpose of the study was to evaluate the general earth materials at the site in order to provide conclusions and recommendations related to the geotechnical aspect of the project. The scope of the work included exploring the general subsurface conditions, performing soils mechanics laboratory tests, and determining soil parameters for earth grading, foundation design, lateral resistance, floor slab-on-grade and pavement support, and expansive soil conditions. Findings, conclusions and recommendations of the Geotechnical Engineer are as follows:

It was the opinion of the Geotechnical Engineer that groundwater might have a significant impact on the proposed design or construction. Percolating surface water from rains might infiltrate the top soils and follow the top of the rock and/or rock jointing and might be encountered as seepage in cut faces or trenches. Such conditions usually arise during the winter and spring months and typically dissipate with warmer, drier weather. In addition, if the uppermost soils should become saturated, then construction operations could become impeded or delayed.

Subsurface drains might be required in some areas of cut and fill slopes, pavements, and etcetera, to provide for pore water pressure release. The Geotechnical Engineer should evaluate each slope, cut, and etcetera, during and/or after construction to determine the need for sub drains.

Based upon concerns expressed by neighbors, the Planning Commission added Public Works Condition of Approval No. 36 as follows:

- 36. Prior to the approval of improvement plans or issuance of a grading permit, the applicant shall provide remedies to address the subsurface groundwater flows on the property which may require extensive research / investigation. Remedies shall be to the satisfaction of the Public Works Department.**

The Geotechnical Report also notes that a number of possible foundation alternatives are available to support the proposed buildings. Due to the low loads anticipated and in accordance with current construction practices, the foundation system considered appropriate for the structure(s) at this site is one consisting of spread footings. Due to differential settlement considered all footings within any individual structure should bear upon the same earth material, either upon two or more feet of soil, or entirely upon rock.

Public Works Condition of Approval 14 requires the developer to comply with design parameters of the Geotechnical Report for the project.

Parking:

The proposed Tuscan Palms Townhomes project exceeds the City of Auburn Parking Standards. In accordance with the City's parking standards, single family and multiple family dwelling units require two (2) parking spaces for each dwelling unit. Guest parking spaces are not required by the City; however, the applicant is providing four (4) additional parking spaces (approximately ½ guest off street parking space per dwelling unit).

The proposal meets the required off-street parking space requirements by providing a total of nine (9) single car garages within each of the townhomes. An additional nine (9) carport parking spaces are provided adjacent to the proposed 16 foot "one way drive." As designed, the project complies with the City's Parking space dimension standards.

Planning Condition of Approval No. 6, as amended, requires that resident's park in their garages. No parking shall be permitted in the driveways and storage that precludes the garages from being utilized is not permitted. Appropriate measures shall be taken by the established HOA.

Considering the 24 foot width of the driveway and turning movements required to provide ingress/egress to the garages, staff requested that the applicant provide a turning movement exhibit to verify that the turning movements are acceptable (**Exhibit D**). In review of the illustration and description provided, the applicant used a late model Ford 300 sedan (cars that have been used by police and sheriff's departments) with a car length of 17 feet 9 inches and wheel base of 9 feet 6 inches. A maximum car length of 18 feet was also used in the illustration. Using comparable vehicles of today, midsize vehicles such as: Honda Accords and the like would be able to make the turning movements necessary to enter the garages without multiple turning movements. It appears however, that larger SUVs and 4 x 4 Trucks such as: Chevy Yukons, and Dodge Ram Trucks may be precluded from making the turning movements without two point turns. Disclosure of the limited turning movements for certain larger vehicles will be required to be incorporated in the CC&Rs for the project.

The project is not required to provide accessible parking spaces within the development. Public Works Conditions of Approval 15 & 16 address requirements for parking lot paving. The parking lot will be graded, paved and striped prior to issuance of a Certificate of Occupancy.

Site Access:

Due to the topography and limited access to the rear of 139 Electric Street, the appellant, (Ms. Lange), requested that the developer grant her a pedestrian easement, including the construction of a gate, to access the rear of her property. The developer agreed to allow pedestrian access to Ms. Lange as requested and conditioned below:

- 23. The developer shall grant a pedestrian access easement on behalf of Ms. Lange across the northerly access from Electric Street to the Northwest corner of 139 Electric Street. The purpose of the easement is to allow Ms. Lange to access the rear of her property located at 139 Electric Street. The access easement shall extend from Electric Street thence west along the egress drive to the rear of 139 Electric Street. The developer shall also install a gate at the Northwest corner to provide access to the rear of 139 Electric Street property. The pedestrian easement shall be shown on the Final Map to the satisfaction of the Community Development Department prior to filing with the County Recorder's Office.**

Tree Impacts:

ABACUS prepared an arborist report dated May 11, 2009 for the project. The tree identified in the appellants' appeal application is a (Tree #2885) Coast Redwood, 45 inch DBH with a 32 foot canopy. The identification by the arborist is that the tree will be protected for permitted development activities.

According to the arborist report, ABACUS was on site May 7, 2009 providing on-site tagging, species identification, number of trunks, measurements of DBH and canopy, field condition notes, recommended actions, and ratings as defined by the Auburn Tree Ordinance. According to the Arborist Report, there are eleven (± 11) trees on the property that qualify as "protected trees" by the standards of the Auburn Tree Ordinance:

- 1 of the protected trees on this property is rated a 0 ("dead");
- A total of 3 trees are noted for removal due to their poor condition and are rated 1 ("dangerous/non-correctable");
- There are 4 trees rated 2 ("poor");
- 3 of the trees are rated 3 ("fair") or 4 ("good").

Nine (9) additional trees are located on the property, but are not protected by the Auburn Tree Ordinance. Additionally, Nine (9) additional trees are off site, but were inventoried due to their proximity to proposed development. These trees must be protected as they are either located on the property line or on the neighbors parcel.

There are 29 total trees inventoried, of which 9 are unprotected species, 9 are off-site, 1 is Blue Oak, 4 are Incense Cedar, 1 is Ponderosa Pine, and 5 are Interior Live Oak (**Sheet 6 of 9 of Exhibit K**).

Tree Permit Condition of Approval No. 3 requires that Mitigation trees shall be provided with the intent to reflect the character of the site prior to development. Native trees are the preferred mitigation tree; however, site appropriate non-native trees are permitted as mitigation.

Tree Permit Condition of Approval No. 4 requires the developer to work with the project arborist and staff during the preparation of the improvement plans to identify arborist recommended modifications to the plans that will provide or improve tree preservation.

General Plan:

Since 1979, the subject property has had a General Plan designation of High Density Residential. According to the City of Auburn General Plan, the High Density Residential Land Use is described as follows:

“This designation allows higher density residential development. Housing types under this density should be apartments, townhomes, and condominiums. These developments should be located close to major thoroughfares and located within easy walking distance to schools and shopping opportunities. Building intensities may be five (5) units up to a maximum of fifteen (15) units per acre.”

The proposed project of townhomes at a density of 9 units on $\pm .618$ acres ($.618 \times 43,560 = 26,920.08 / 2,904$ (sq. ft. per unit at 15 units per acre) = 9.27 units per acre) of property is consistent with the City of Auburn General Plan.

Land Use Policies of the City of Auburn General Plan promote in-fill development subject to sufficient provisions for water, sewer, and storm drainage improvements installed at the developer's expense. The project is consistent with the High Density Residential (HDR) General Plan designation and the following General Plan policies and goals:

- Land Use Goal 1: Provide a range of housing choices that meets the needs of all Auburn residents in terms of type, density and cost.
- Land Use Policy 1.2: While promoting the provision of housing for all economic segments of the community, the City shall seek to ensure high quality in all new residential developments.
- Land Use Policy 3.1: Minimize disturbance to terrain by limiting “pads” on steep slopes to reduce cut and fill.
- Land Use Goal 5: Establish a variety of residential densities which will provide for different housing types and levels of cost.
- Housing Goal 3: The City will conserve the existing stock of affordable rental housing and offer incentives for the construction of new affordable housing.
- Housing Goal 4: The City will encourage energy efficiency on both new and existing housing.

- Housing Policy 4.1: The City shall promote the development of energy and resource efficient housing types.

As conditioned, the proposed Tuscan Palms Townhomes is consistent with the Auburn General Plan.

Zoning:

The zoning for the property is Multi-Family Residential (R-3). This R-3 zone district allows a combination of single-family, duplexes, and multi-family dwelling units and appurtenant accessory structures. The building product proposed complies with use and setback requirements for the zone. The proposed project is consistent with the set-back and height standards for development within the R-3 zoning district as noted below:

<u>STANDARD</u>	<u>REQUIREMENT</u>
Front Setback	20' min.
Side Setback (1-story)	5' min.
Side Setback (2-story)	7.5' min.
Side Setback (street)	12.5' min.
Rear Setback	10' min.
Building Height	30' max.
Lot Coverage	40% max.
Lot Width/Frontage	50' min. (35' min. for cul-de-sac lot)
Building Coverage	1 unit per 2,904 sq. ft.
Minimum Lot Area	5,000 sq. ft.
Parking	2 spaces per unit

Environmental Determination

The applicant prepared a Biological Study (for rare plants, valley elderberry long horn beetles, raptors, and wetlands), Cultural Resources Survey, Preliminary Drainage Analysis, Arborist Report and Geotechnical Report. The reports prepared for the project, on file with the Community Development Department, indicate that the project site has no value as habitat for endangered, rare or threatened species or will result in any significant effects relating to archeological sites or drainage impacts as conditioned.

A "Request for Comments" was prepared and circulated for the project from August 10, 2009 to August 31, 2009. Comments received during the Responsible and Trustee Agency review period have been incorporated into the project as Conditions of Approval.

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and determined that a Categorical Exemption is the appropriate level of environmental review in accordance with Section 15332, Class 32 (In-fill Development) of the CEQA Guidelines meeting the following standards:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

- b. The proposed development occurs within city limits on a project site of not more than five acres substantially surrounded by urban uses;
- c. The project site has not value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;
- e. The site can be adequately served by all required utilities and public services.

Alternatives Available to Council; Implication of Alternatives

Upon receiving public testimony, the City Council may choose the following alternatives:

- A. Deny the appeal and adopt the attached Resolution approving the project;
- B. After closing the public hearing, consider imposing additional conditions on the Design Review, Tentative Subdivision Map and Tree Permit, agreed to by the applicant or within the City's legal power to impose over the applicant's objections, which address the appellants' concerns; or,
- C. Direct staff to prepare Findings and a Resolution by which the Council may approve the appeal, thereby overturning the Planning Commission's decision to approve the Tuscan Palms Townhome proposal, and continue the item to a later meeting at which those Findings and that Resolution may be considered. Denial requires a Council conclusion that Findings for denial can be made and supported by substantial evidence in the public record.

Fiscal Impacts

Fiscal impacts related to the appeal may stem from further challenge from the appellants' and / or other individuals and groups. However, the applicant shall defend, indemnify and hold harmless the City, from and against any claim resulting from the project.

The appellants have paid the \$100.00 fee for processing of the appeal request.

Additional Information

Please see the following Exhibits for more details:

- Exhibit A** – Vicinity Map
- Exhibit B** – Location Map
- Exhibit C** – Site Photographs
- Exhibit D** – Car Turning Exhibit
- Exhibit E** – Reduced 8.5 x 11 Plan Set
- Exhibit F** – Draft Planning Commission Minutes dated October 20, 2009
- Exhibit G** – Appeal Filed by Ms. Nancy S. Lange et al. dated October 30, 2009
- Exhibit H** – Marc Pohley & Associates Correspondence dated November 10, 2009
- Exhibit I** – Public Works Department Manhole GIS Exhibit
- Exhibit J** – Draft City Council Resolution for Denial of the Appeal with Draft Conditions of Approval as modified by the Planning Commission

Exhibit K – Project Plans dated September 8, 2009

**EXHIBITS L & M ON FILE WITH THE CITY CLERK & PROVIDED
TO CITY COUNCIL PREVIOUSLY UNDER SEPARATE COVER**

Exhibit L – Project Correspondence Received at Planning Commission Hearing

Exhibit M – October 20, 2009 Planning Commission Staff Report including the following Attachments & Exhibits:

Attachments:

1. Vicinity Map
2. Aerial Photograph
3. Site Photographs
4. Car Turning Exhibit
5. Reduced 8.5 x 11 inch Plan Set dated September 8, 2009

Exhibits:

- A. Planning Commission Resolution No. 09-14 with Findings of Fact and Conditions of Approval
- B. Arborist Report Tables B & C
- C. Architectural Plan Set dated September 8, 2009



EXHIBITS

Tuscan Palms /133 & 141 Electric Street

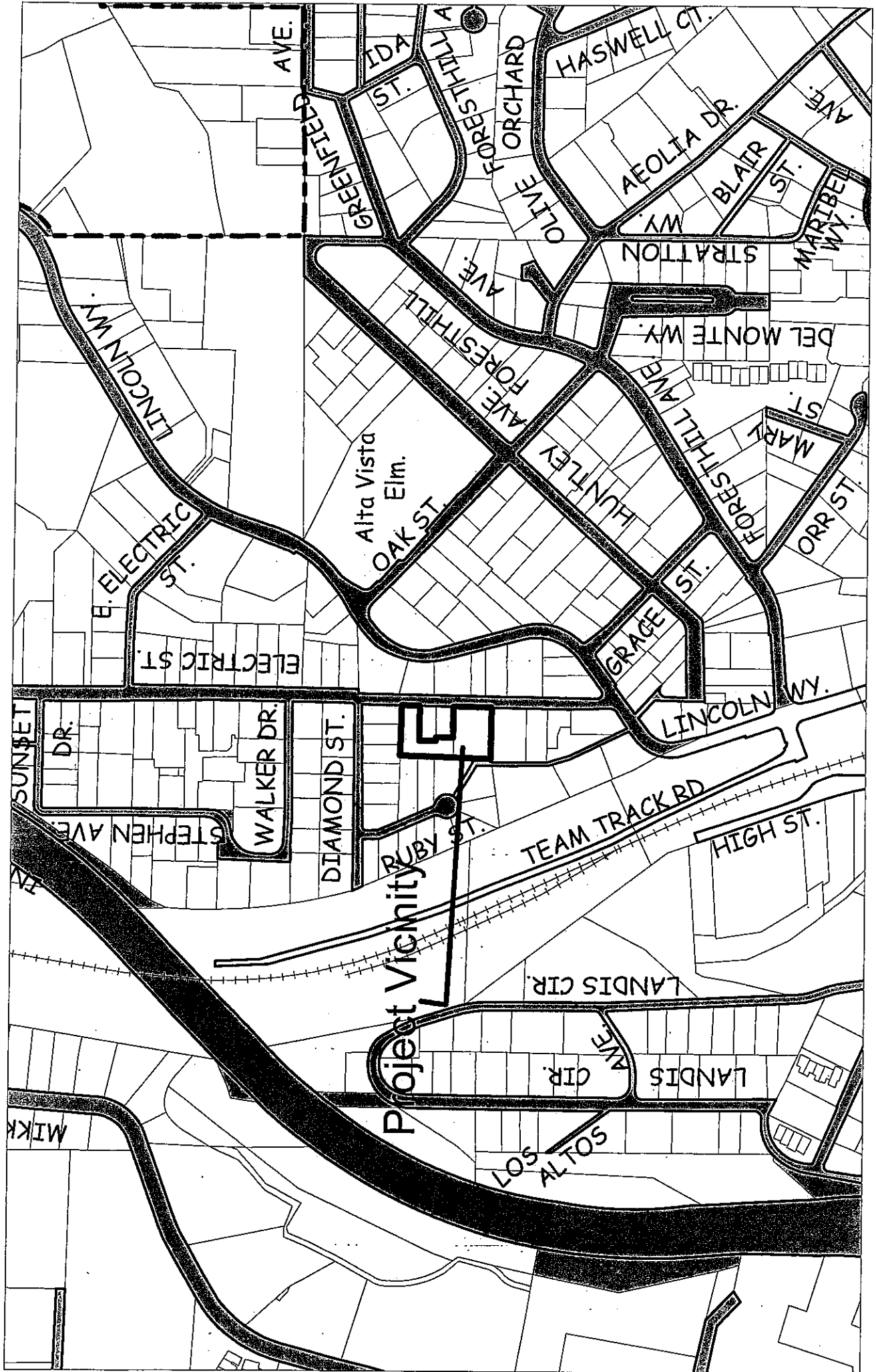


EXHIBIT A

Tuscan Palms /133 & 141 Electric Street

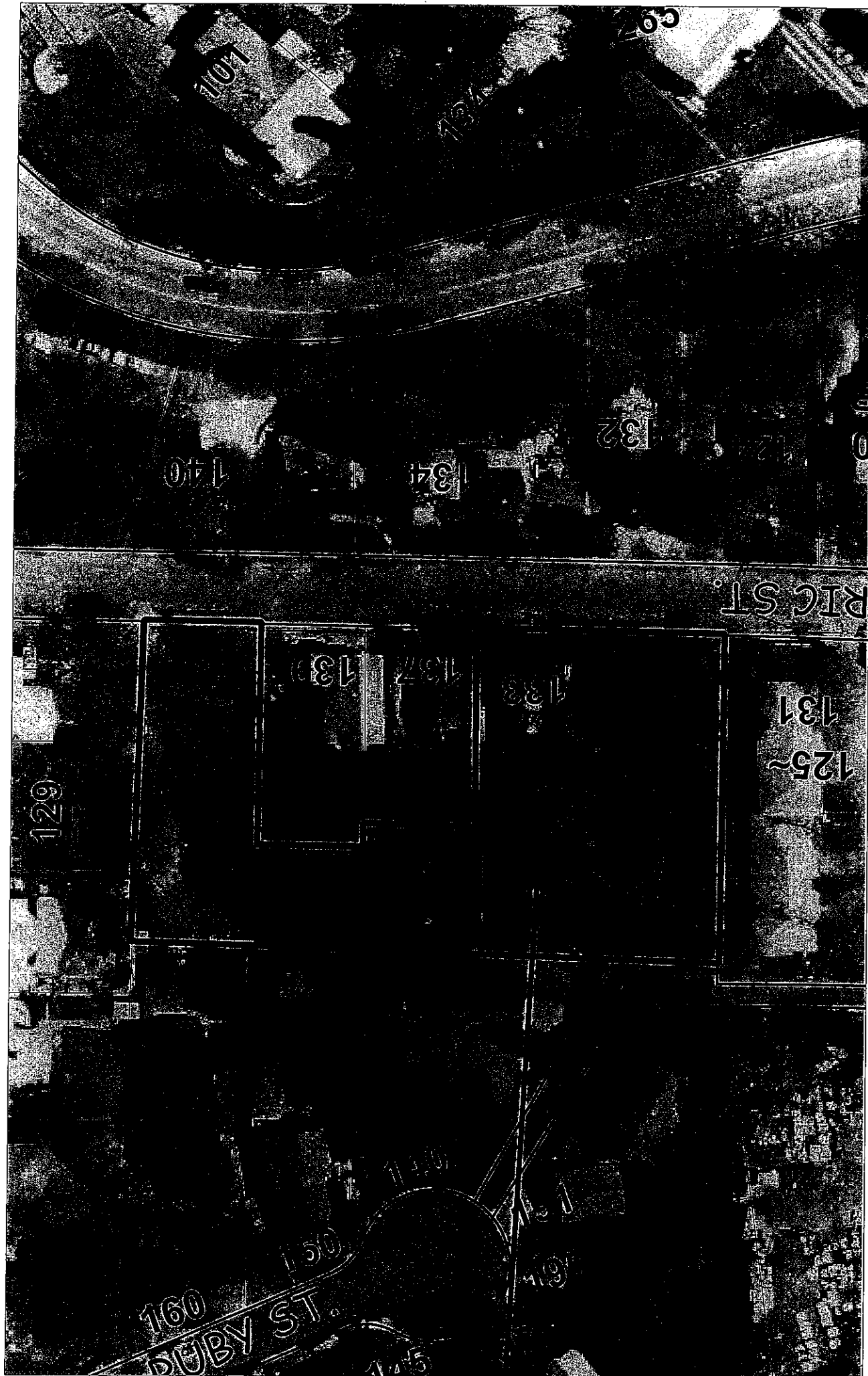
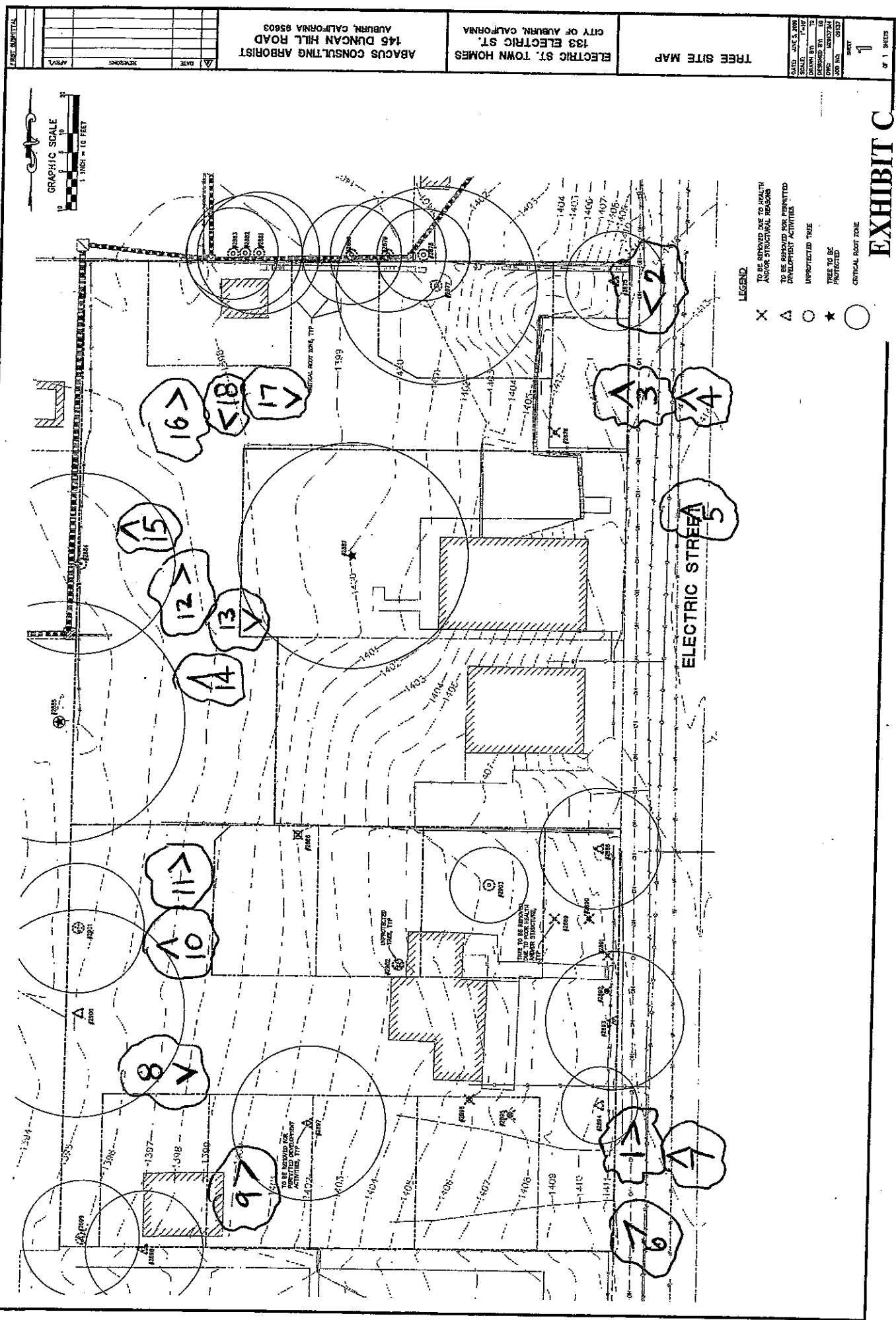


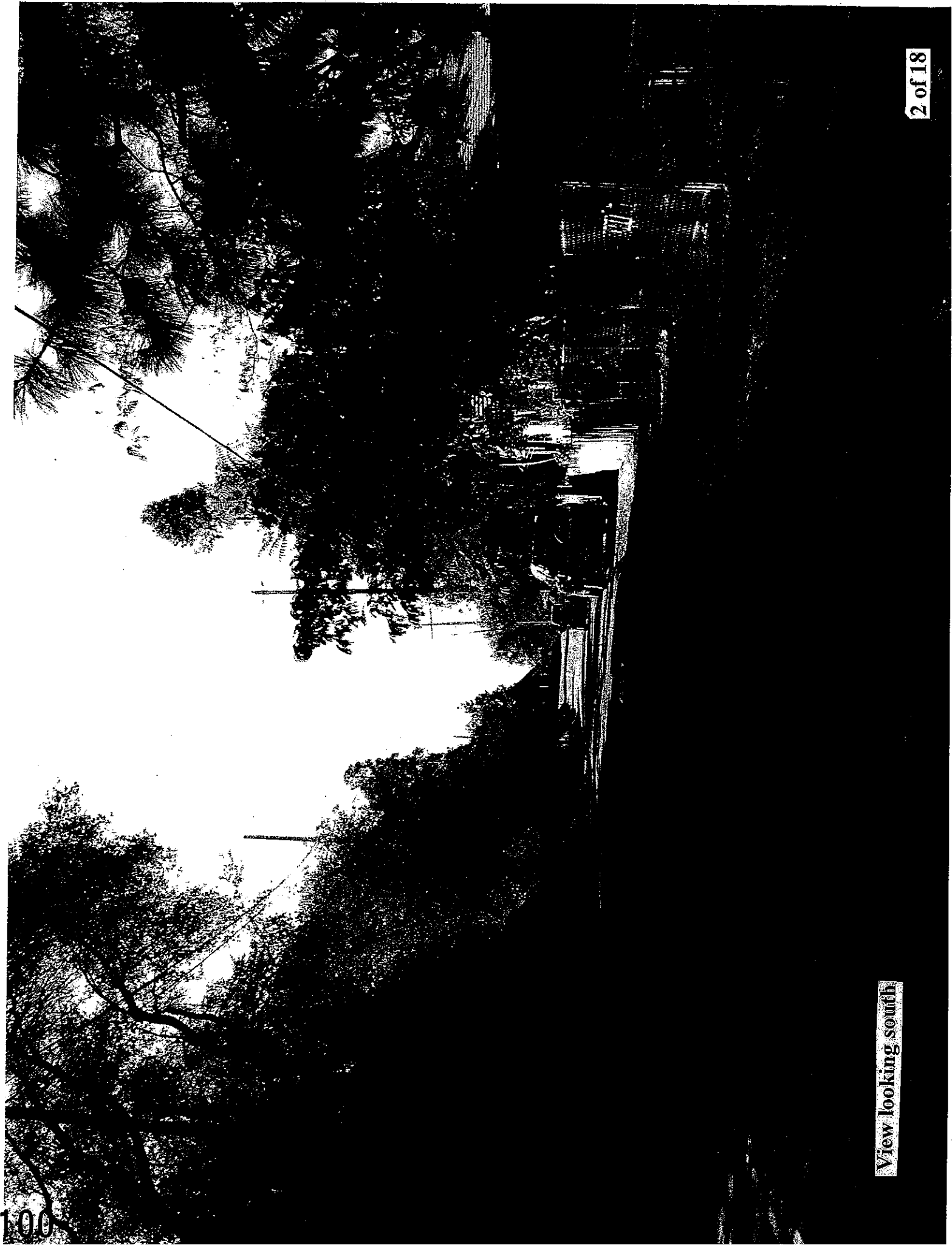
EXHIBIT B



PHOTOGRAPH LEGEND







View looking south



View looking west

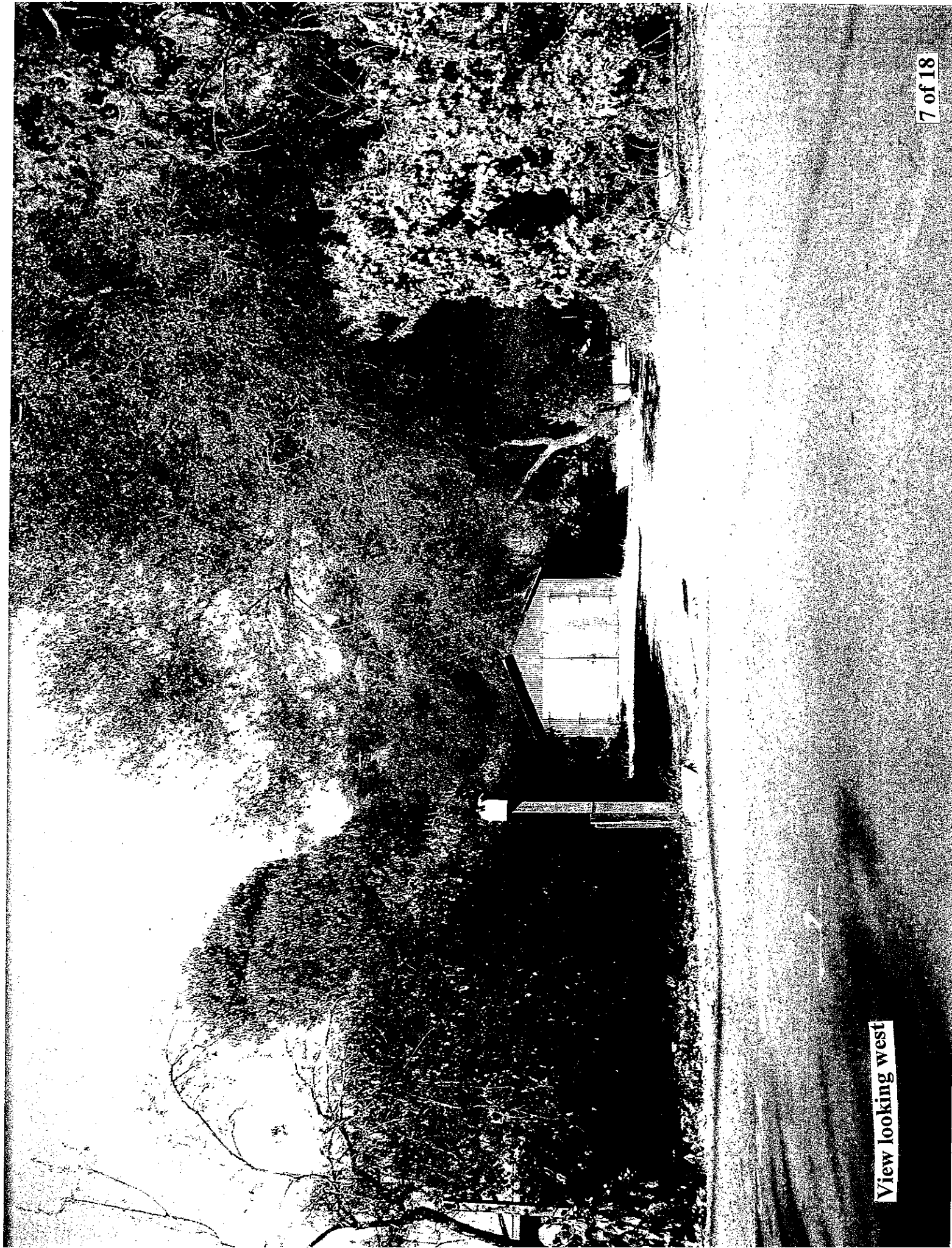




View looking west



View looking northwest



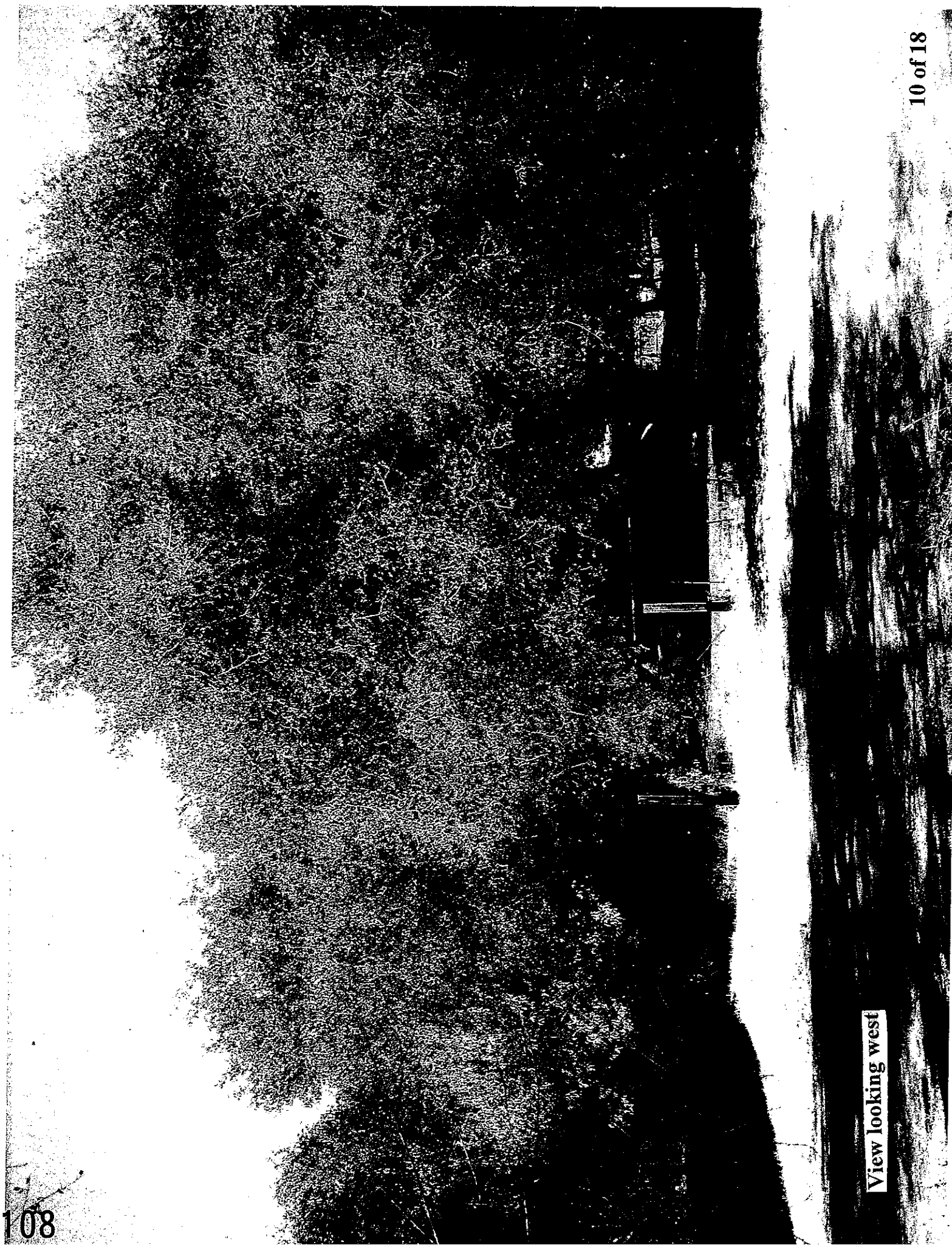
View looking west



View looking east



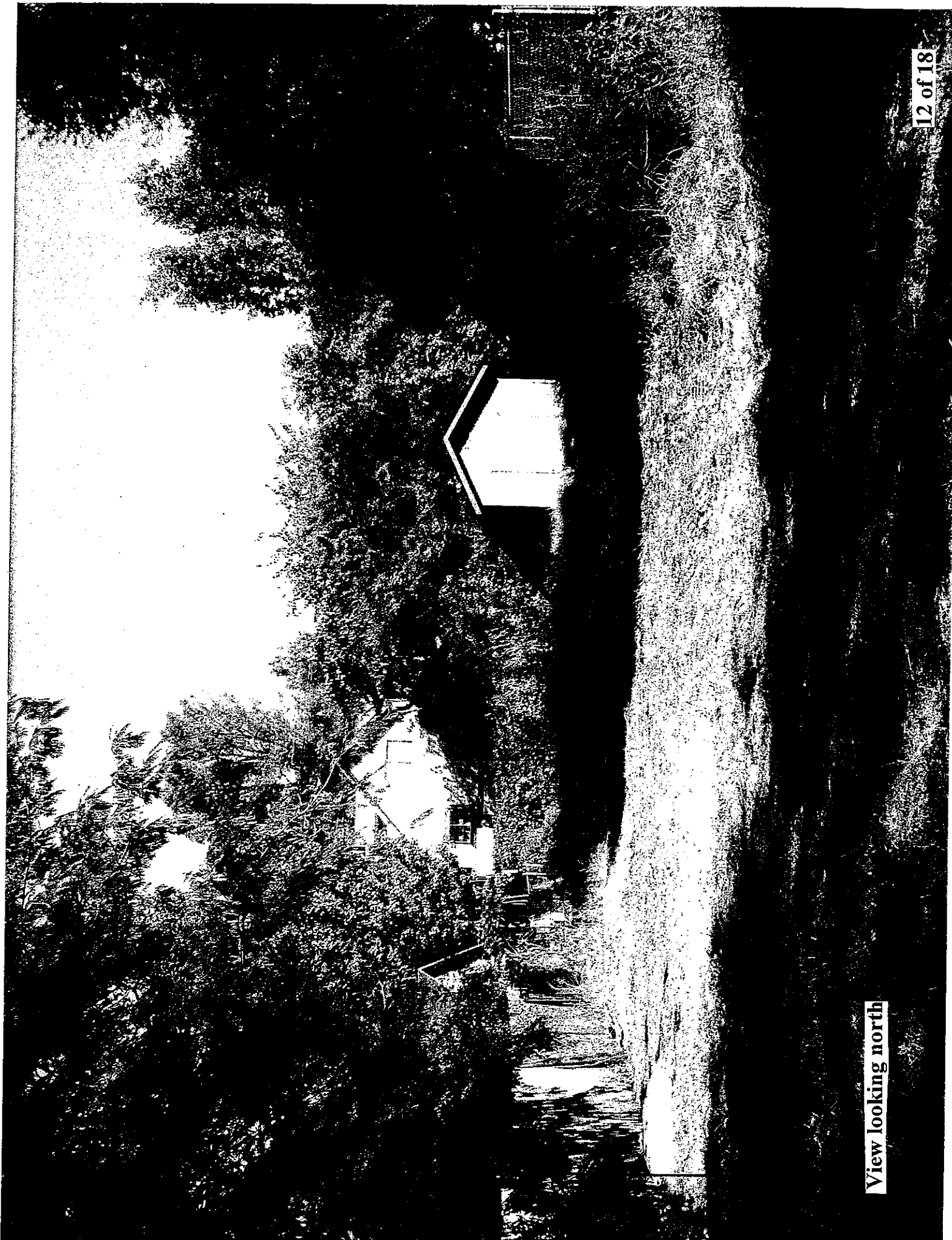
View looking northwest



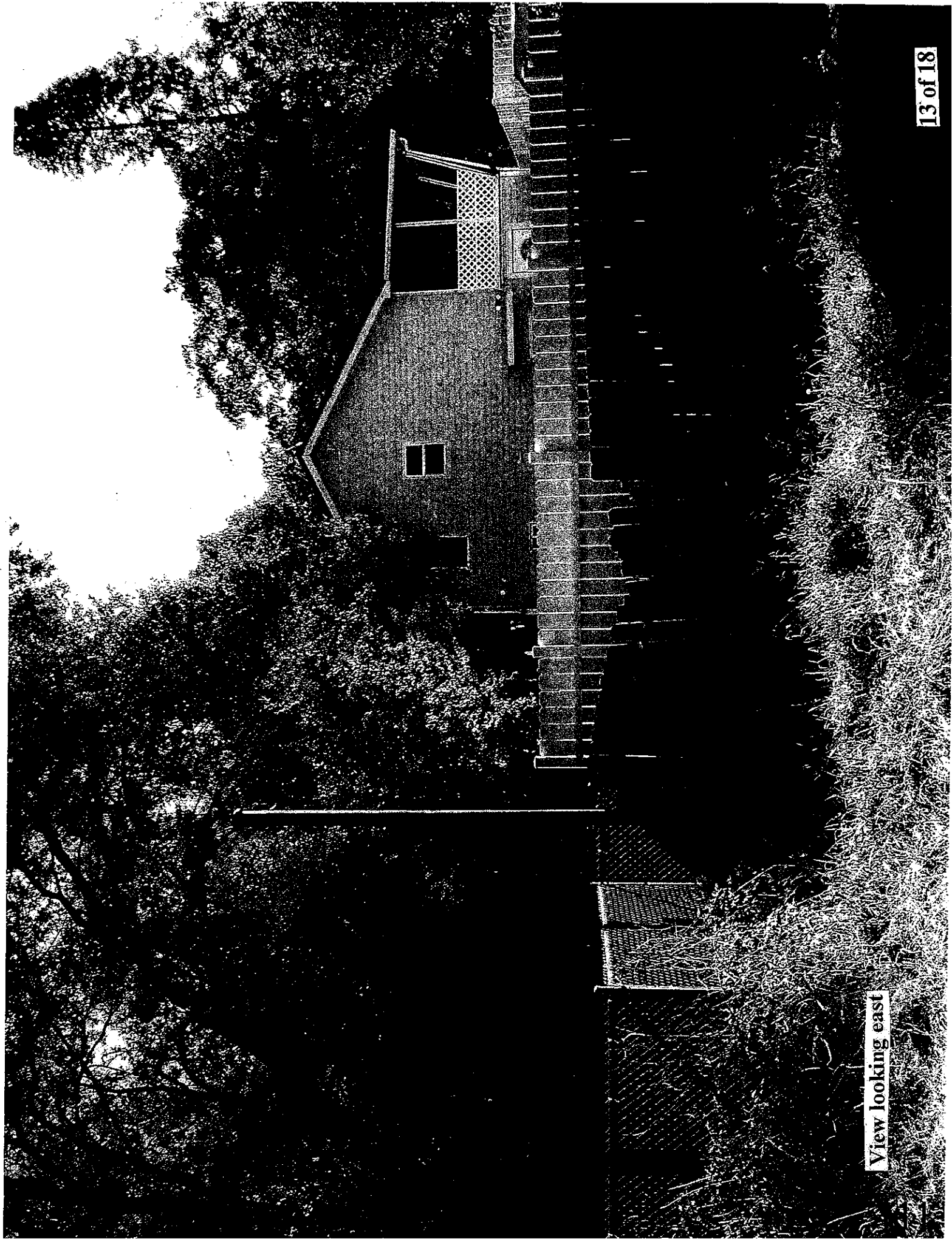
View looking west



View looking north



View looking north



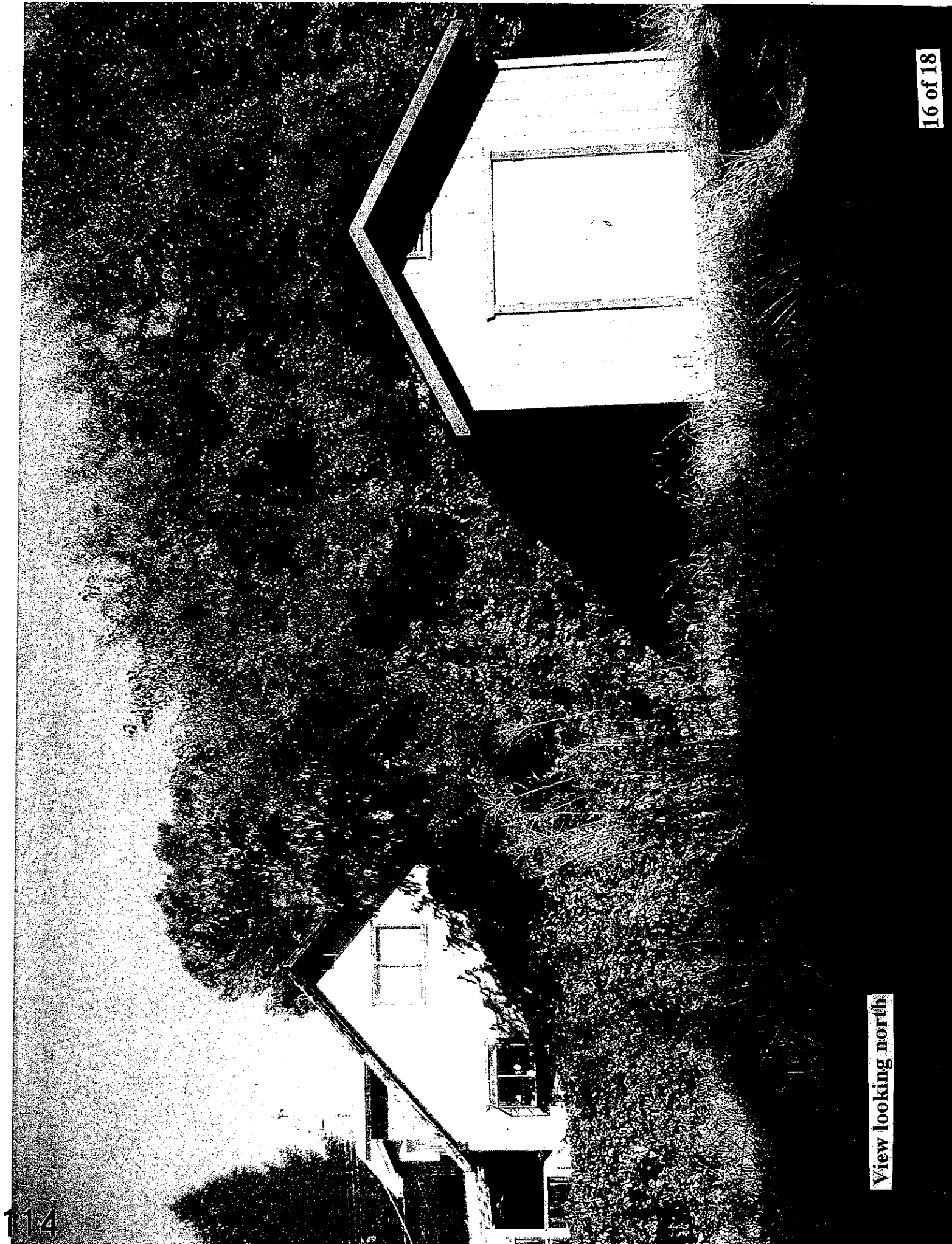
View looking east



View looking west



View looking west



View looking east

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View looking south

EXHIBIT D

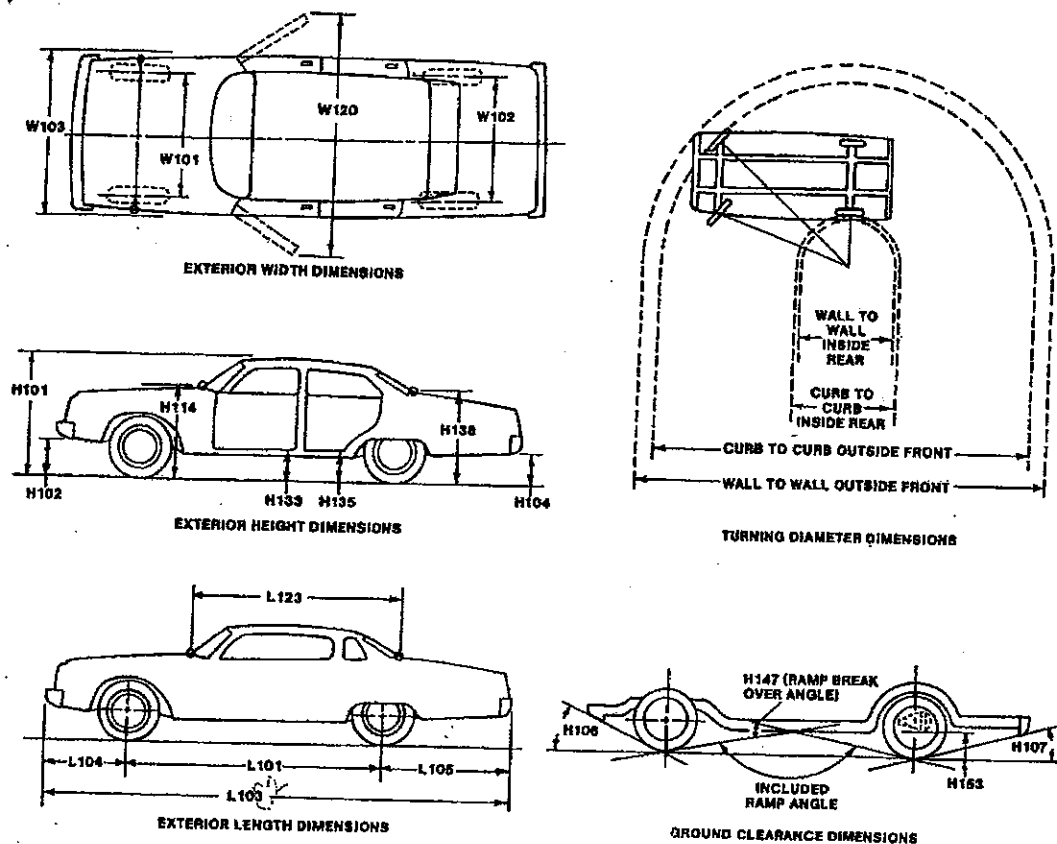
Tuscan Palms Car Maneuvering Distances

I started with the Time Saver Design Standards which has a chart of passenger vehicles extracted from data provided by the Automotive Industry. The information was based on vehicle sizes of 1983. I used these as a basis because cars of 20 years ago were significantly larger than now, on the average.

The chart lists all dimensional items for a range from the "smallest to largest" cars. I used the largest of these as a basis then verified them with a relatively large sedan. I used a Ford 300 full size 4 door sedan that is use by police and sheriff departments. Almost all of the dimensions used are larger than those of this sedan.

The following chart shows the range of dimension in the Design Standard manual followed by those of the Ford 300 and the sizes used in the movement model for the project.

	Standards	Ford 300	Project
Overall Length	153"- 221.4"	17'-9"	18'-0"
Overall Width	61.8"-79.3"	6'-6"	6'-9"
Wheel Base	89.4"-121.5"	9'-6"	9'-10"
Wheel Track	51.1"-62.2	5'-6"	5'-7"
Inside Turning Radius	8'-2"-12'-7"	13'	13'
Outside Turning Radius (Wall to Wall)	10'-5"-22'-8"	23'-4"	23'-4"
Front Overhang	31"-46.6"	3'-6"	3'-9"
Rear Overhang	28.7"-58.6"	4'-6"	4'-5"



STANDARD AUTOMOBILE DIMENSIONS (1983 U.S. Passenger Cars)

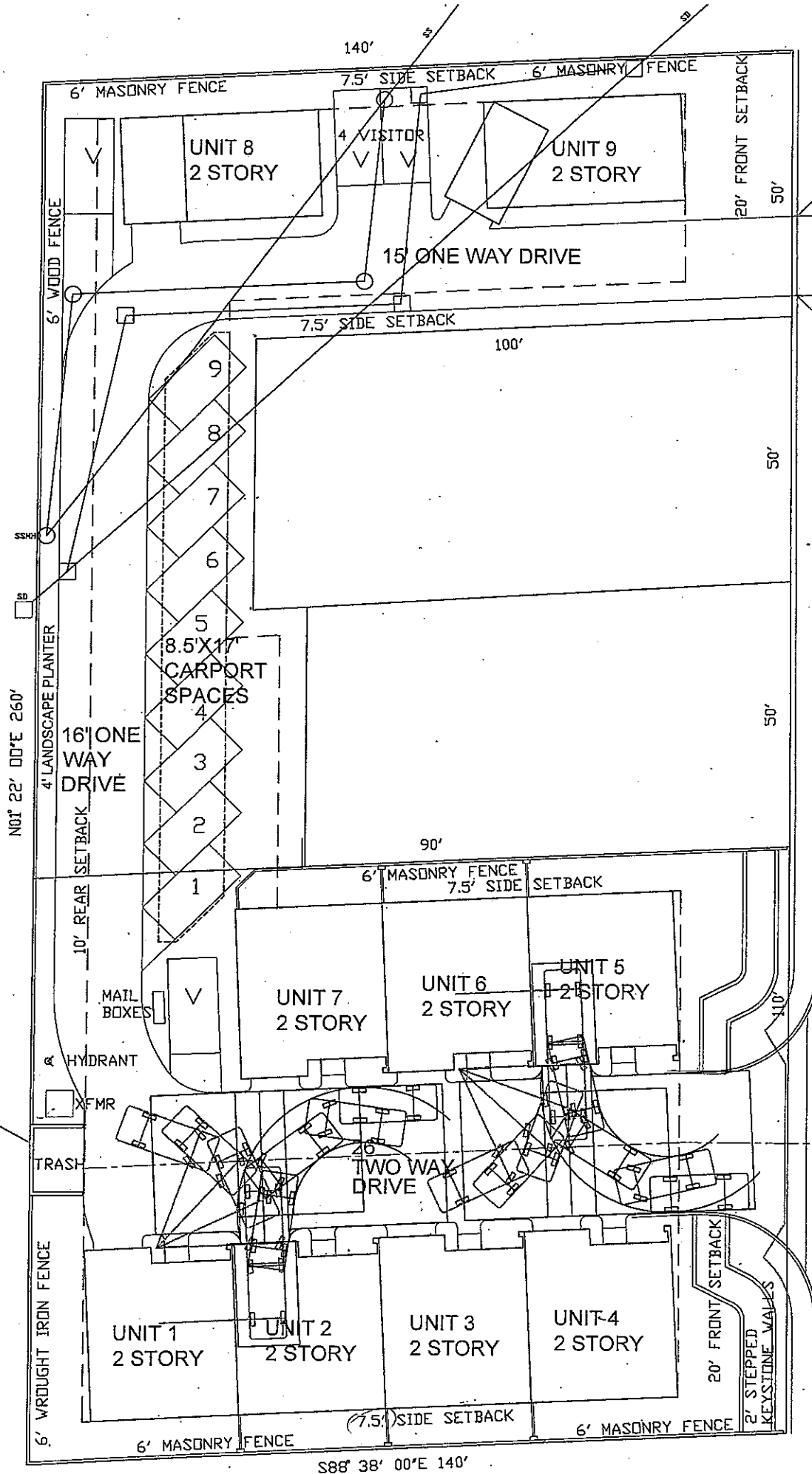
Overall Dimensions, in.							
	Wheelbase L101	Overall length L102	Overall width W103	Overall width, doors open W120	Overall height H101	Minimum running ground clearance H153	
Smallest	89.4	153.4	61.8	120.0	46.7	3.05	
Largest	121.5	221.4	79.3	169.5	59.5	6.68*	
Front of Car Dimensions, in.							
	Height			Length			
	Bottom of front bumper to ground H102	Bottom of front door to ground H133	Cowl at rear to ground H114	Upper structure L123	Overhang, front L104	Width tread W101	
Smallest	5.2	8.9	33.5	59.1	31.0	51.2	
Largest	22.1	19.1	41.2	128.4	46.6	62.2	
Rear of Car Dimensions, in.							
	Bottom of rear bumper to ground H104	Axle differential to ground H153	Deck at rear window to ground H138	Bottom of rear door to ground H135	Overhang, rear L105	Tread W102	
Smallest	8.46	3.5	30.8	8.3	28.7	51.2	
Largest	18.29*	14.7	45.0	19.1	58.6	64.1	
Angles of Approach and Departure, Ramp Breakover Angle, and Turning Diameter							
	Angle of approach (degrees) H106	Angle of departure (degrees) H107	Ramp breakover angle (degrees) H147	Turning diameter (ft)			
				Outside front		Inside rear	
				Wall/wall	Curb/curb	Wall/wall	Curb/curb
Smallest	8.4	9.1	5.38	10.8	10.0	16.3	15.9
Largest	29.48*	34.8	23.8	45.3	42.9	25.1	24.9

*Curb height

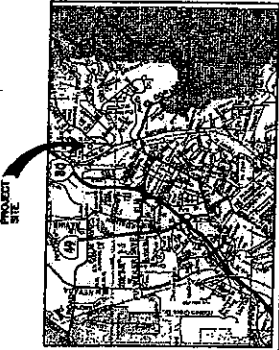
*Curb height

Figure 210-6 Passenger cars (1983 U.S. models).

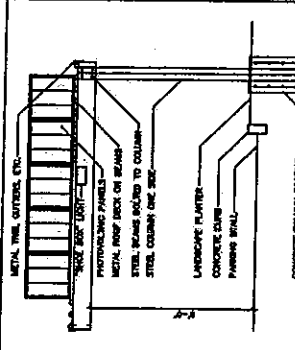
RUBY STREET



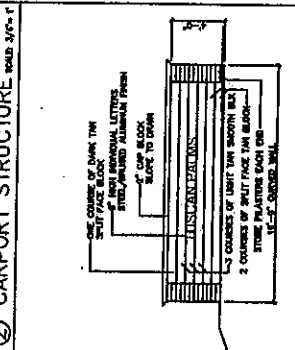
ELECTRIC STREET



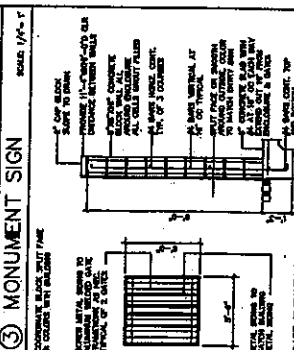
① VICINITY MAP



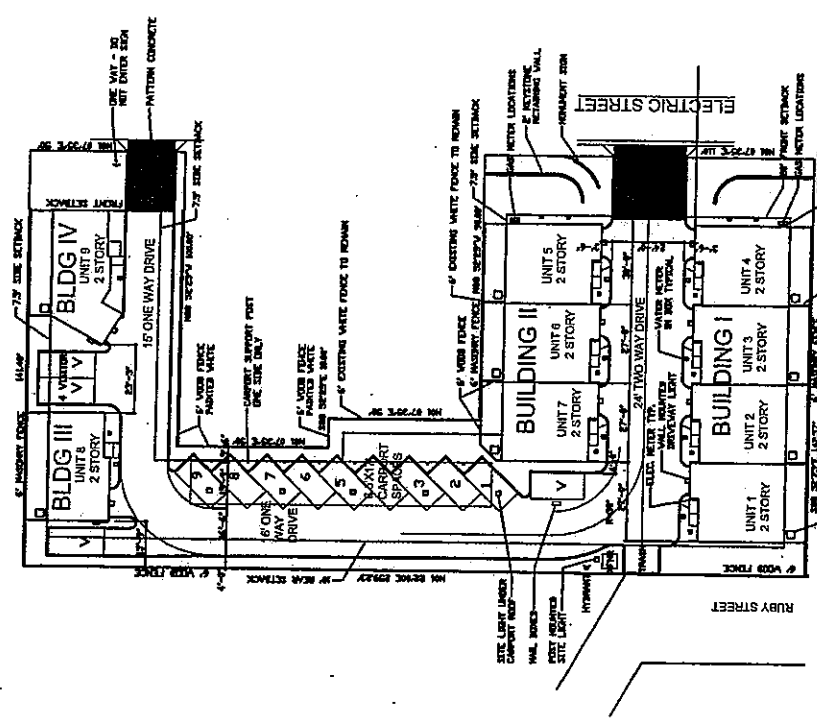
② CARPORT STRUCTURE



③ MONUMENT SIGN



④ TRASH ENCLOSURE



SITE PLAN

PROJECT DATA

ASSIGNMENT NO. 045-050-010 & 007
SUBMITTER: GREEN BLANKED ASSOCIATES, LLC
PROJECT OWNER: GREEN BLANKED ASSOCIATES, LLC
PROJECT ADDRESS: 133 ELECTRIC STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT ARCHITECT: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT LANDSCAPE ARCHITECT: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT CIVIL ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT ELECTRICAL ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT MECHANICAL ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT PLUMBING ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT STRUCTURAL ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT GEOTECHNICAL ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT ENVIRONMENTAL ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT HISTORIC PRESERVATION SPECIALIST: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT ARCHITECTURAL RENDERER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT PHOTOGRAPHER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT VIDEO PRODUCER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT AUDIO ENGINEER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT LIGHTING DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT SOUND DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT SPECIAL EFFECTS DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT PRODUCTION DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT COSTUME DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT HAIR DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT MAKEUP DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT PROP DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT SET DESIGNER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT STYLING: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT CASTING: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT CATERING: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT BAR: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT TRANSPORTATION: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT SECURITY: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT SPECIAL SERVICES: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329
PROJECT OTHER: MINTA ARCHITECTURE
PROJECT ADDRESS: 112 GOLD STREET, AUBURN, CA 95603
PROJECT PHONE: (916) 485-7329
PROJECT FAX: (916) 485-7329

REV	
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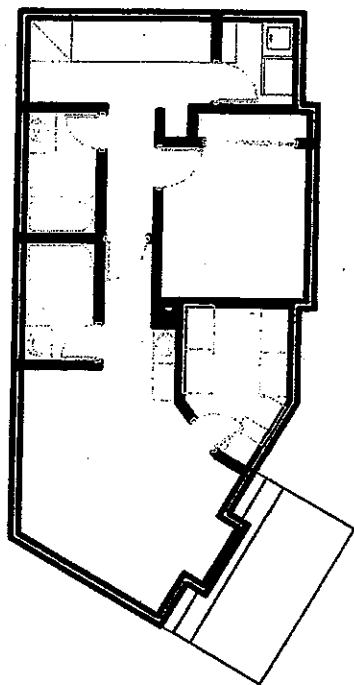
112 OLD STREET, AUBURN, CALIF. 95603 (916)885-7329



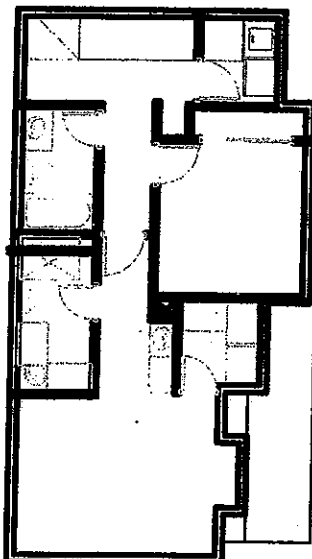
TUSCAN PALMS
133 ELECTRIC STREET
AUBURN, CA. 95603

JOB NO.
DRAWN
CHECKED
DATE
SCALE

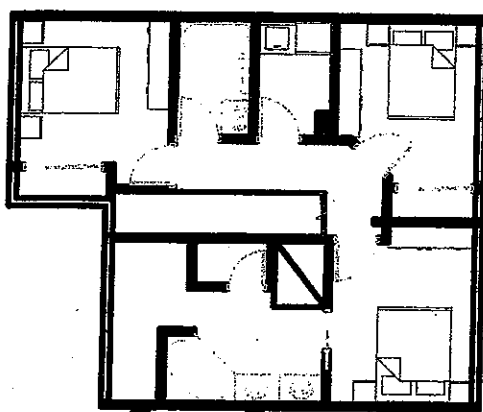
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A2
OF



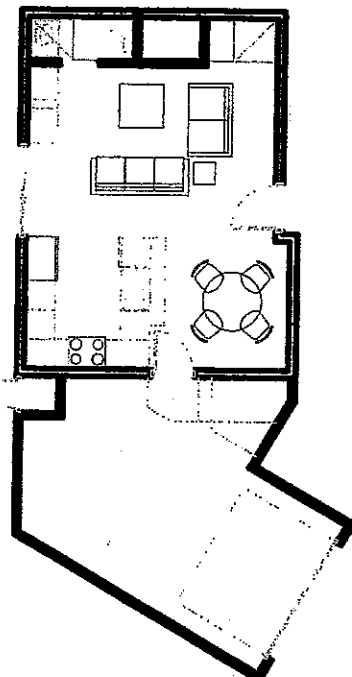
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UNIT TYPE D



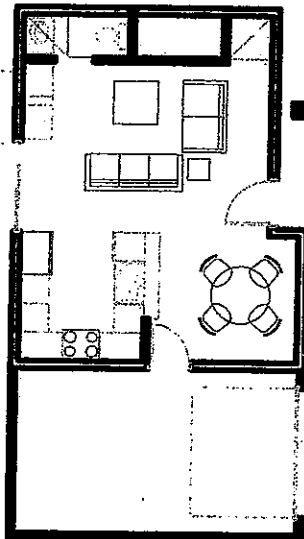
SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"
UNIT TYPE C



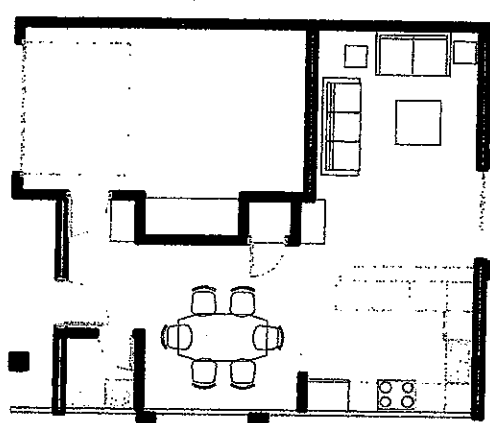
SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"
UNIT TYPE A (UNIT B REVERSE)



FIRST FLOOR PLAN SCALE: 1/4" = 1'-0"
UNIT TYPE D



FIRST FLOOR PLAN SCALE: 1/4" = 1'-0"
UNIT TYPE C



FIRST FLOOR PLAN SCALE: 1/4" = 1'-0"
UNIT TYPE A (UNIT B REVERSE)

A3
OF

JOB NO.
DRAWN
CHECKED
DATE
SCALE

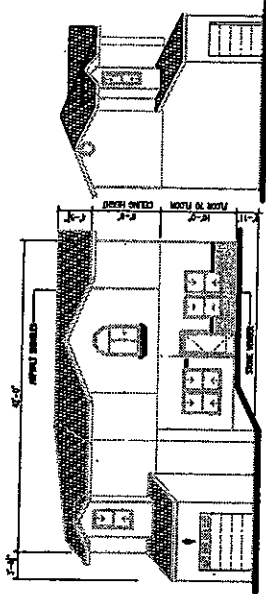
TUSCAN PALMS
133 ELECTRIC STREET
AUBURN, CA. 95603

MINIA ARCHITECTURE
112 GOLD STREET, AUBURN, CALIF. 95603 (916)965-7329

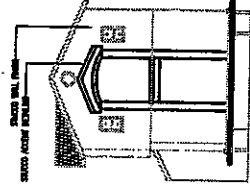


1/2" = 1'-0"
3/4" = 1'-0"
1" = 1'-0"
1 1/4" = 1'-0"
1 1/2" = 1'-0"
2" = 1'-0"

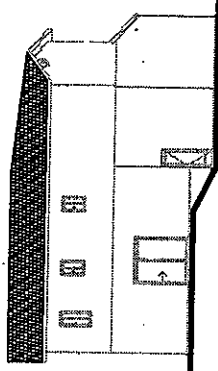
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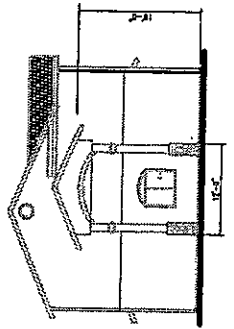
2 SOUTH ELEVATION



3 WEST ELEVATION

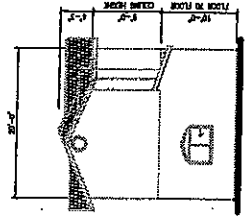


4 EAST ELEVATION

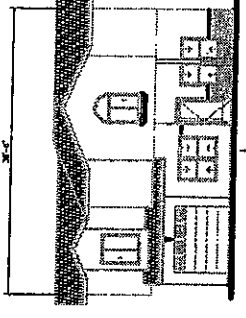


5 NORTH ELEVATION

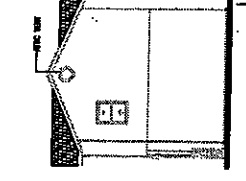
6 SOUTH ELEVATION



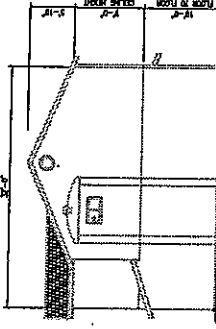
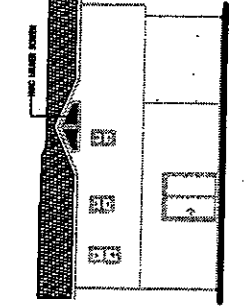
7 WEST ELEVATION



8 EAST ELEVATION

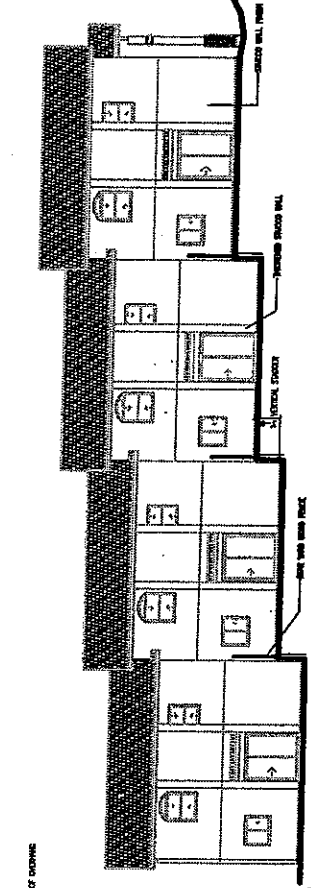


9 NORTH ELEVATION

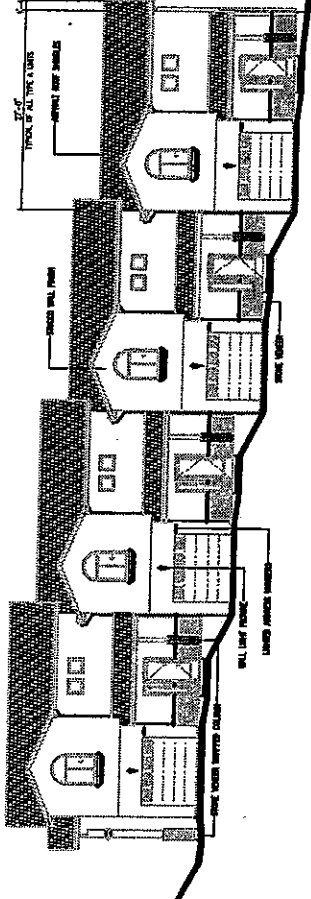


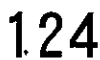
10 NORTH ELEVATION

11 NORTH ELEVATION



12 NORTH ELEVATION





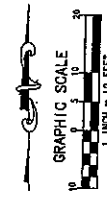
TREE SITE MAP

ELECTRIC ST. TOWN HOMES
133 ELECTRIC ST.
CITY OF AUBURN, CALIFORNIA

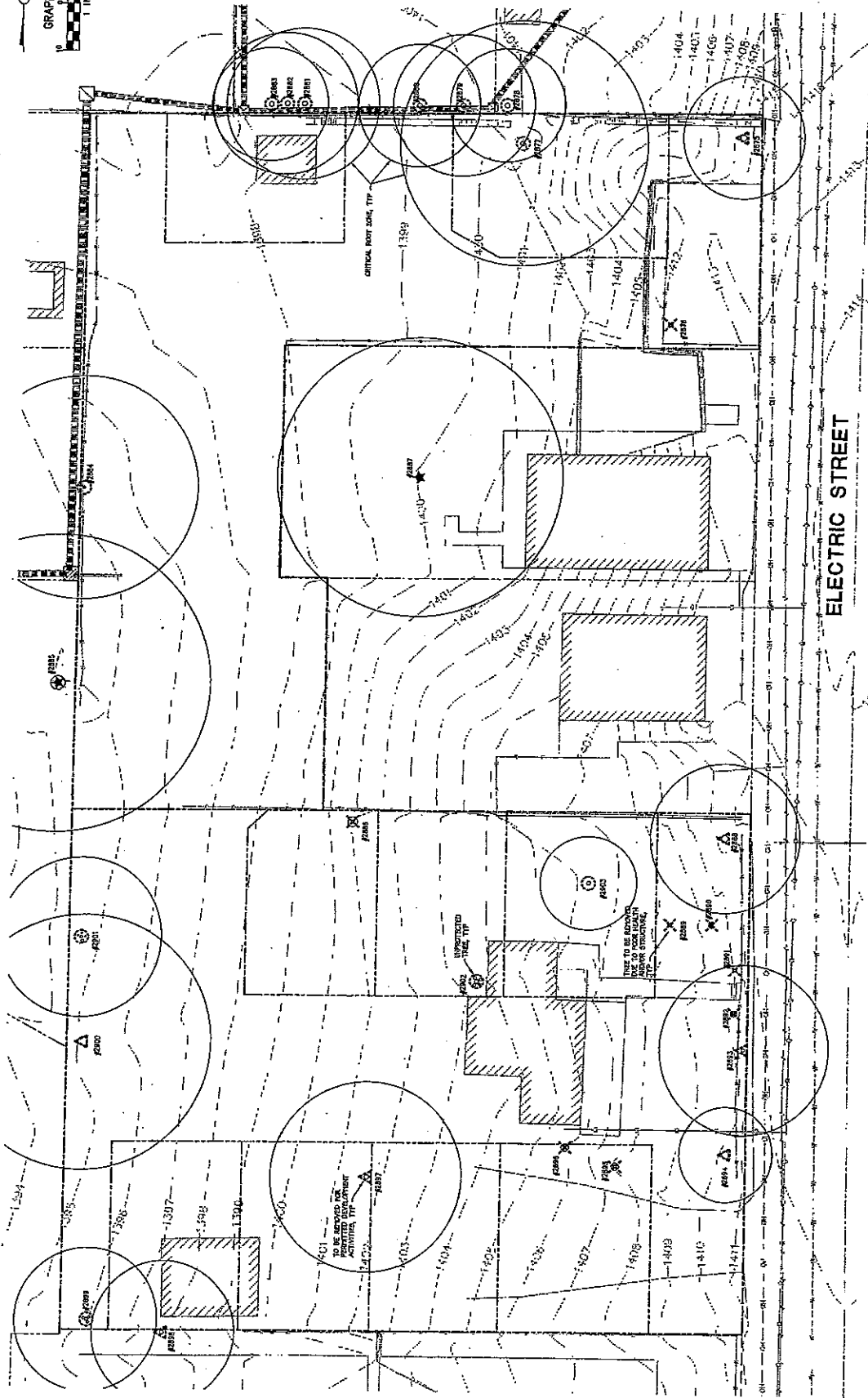
ABACUS CONSULTING ARBORIST
145 DUNCAN HILL ROAD
AUBURN, CALIFORNIA 95603

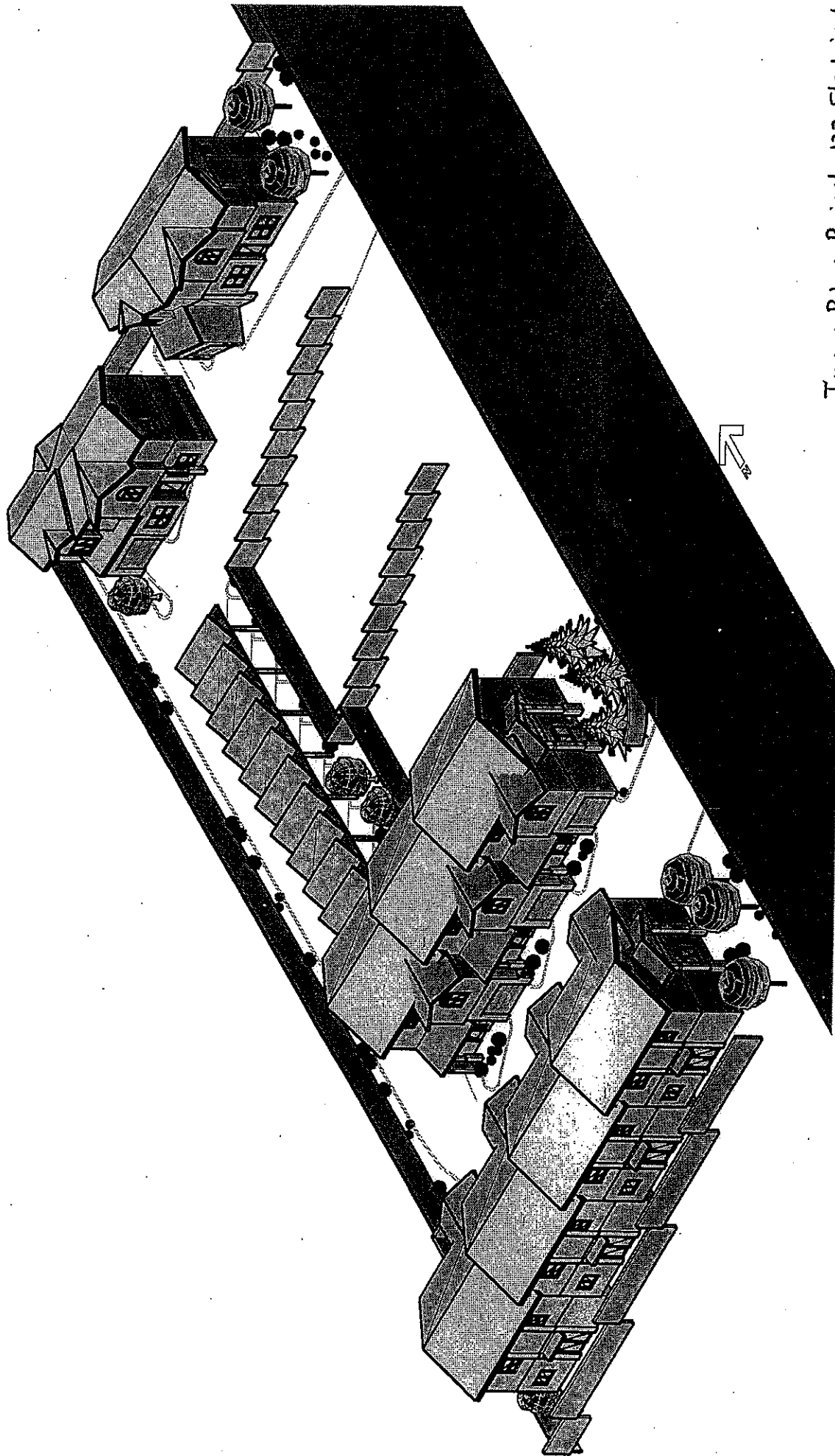
DATE	JUNE 3, 2002
DRAWN BY	ABACUS
DESIGNED BY	TE
PROJECT	ABACUS/2004
JOB NO.	00037

SHEET
1
OF 1 SHEETS

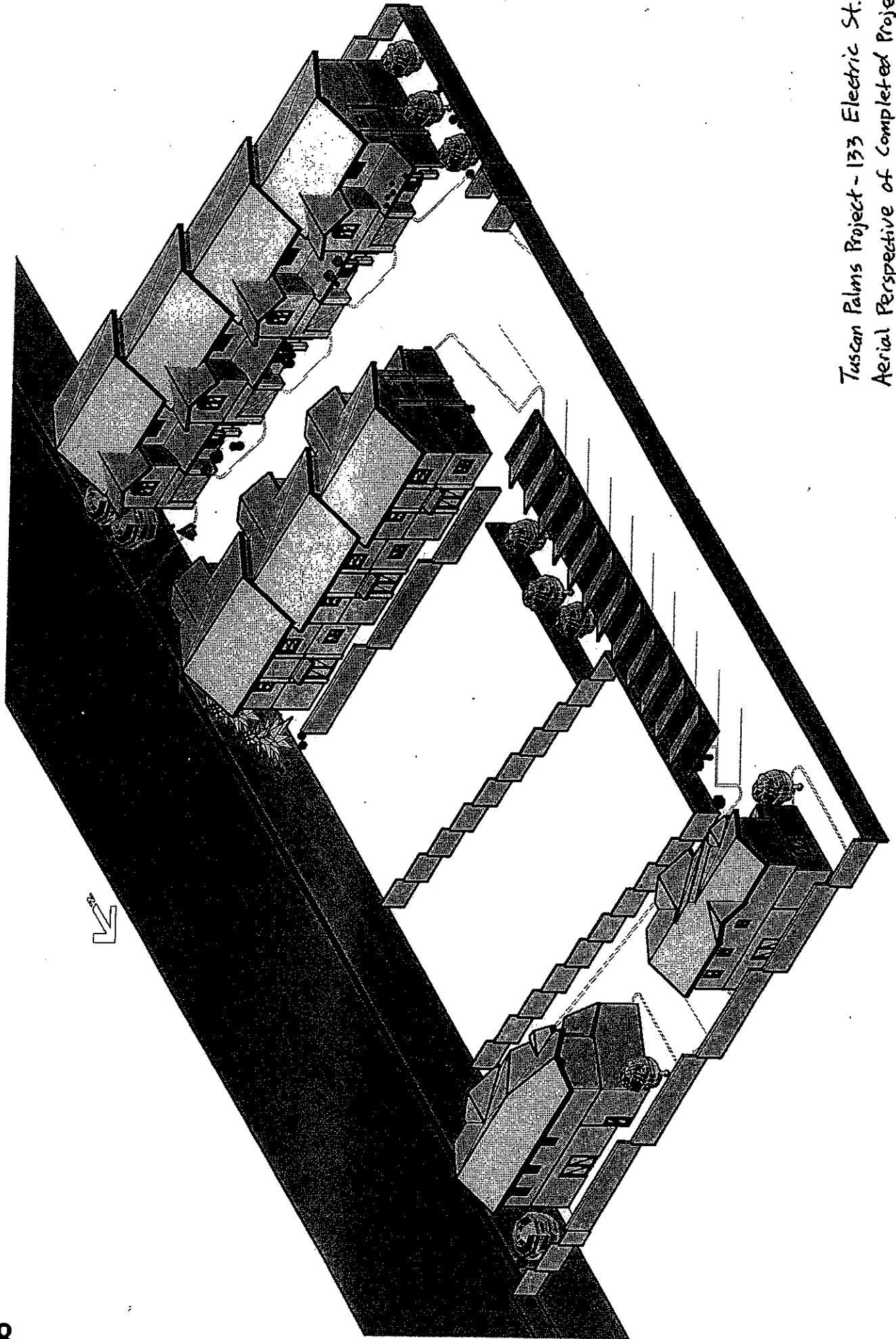


- LEGEND
- X TO BE REMOVED DUE TO HEALTH AND/OR STRUCTURAL REASONS
 - △ TO BE REMOVED FOR PERMITTED DEVELOPMENT ACTIVITIES
 - UNPROTECTED TREE
 - ★ TREE TO BE PROTECTED
 - CRITICAL ROOT ZONE





Tuscan Palms Project - 133 Electric
 Aerial Perspective of Completed Proj
 View from Southeast Corner
 9/9/09



Tuscan Palms Project - 133 Electric St.
Aerial Perspective of Completed Project
View from Northwest Corner
9/8/09

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
October 20, 2009**

The regular session of the Auburn City Planning Commission was called to order on October 20, 2009 at 6:05 p.m. by Chair Worthington in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Snyder, Spokely, Vitas, Worthington, Young

COMMISSIONERS ABSENT: None

STAFF PRESENT: Will Wong, Community Development Director
Reg Murray, Senior Planner
Lance Lowe, Associate Planner

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING ITEMS

- A. DESIGN REVIEW, VESTING TENTATIVE SUBDIVISION MAP AND TREE PERMITS – 133 & 141 ELECTRIC STREET (TUSCAN PALMS TOWNHOMES) – FILE DRP 09-3; SUB 09-1 & TP 09-3.** The applicant requests Design Review and Tentative Subdivision Map approval for the construction of nine (9) townhomes ranging in size from ±1,155 to ±1,345 square foot with associated parking and landscaping. A Tree Permit is required for the removal of eleven (11) native trees.

Planner Lowe presented the staff report. He said that the proposal includes a Design Review Permit and Tentative Subdivision Map for a nine (9) unit townhome project ranging in size from ±1,155 to ±1,345 square feet on ±1,066 to 1,346 square foot lots, with associated common parking and landscaping improvements. An HOA will be established to take ownership of, and provide maintenance of, the common areas. Planner Lowe provided further details about the proposal, including zoning, land use, access, utilities, grading and retaining walls, drainage, fencing, parking, landscaping, lighting, signage, architecture, and LEED standards. He also described the trees on site and requirements of the Tree Permit.

Chair Worthington asked if there were any questions of staff by the Commission.

Commissioner Vitas asked if an environmental impact report (EIR) was required.

Planner Lowe responded that the project qualifies for a categorical exemption from the California Environmental Quality Act (CEQA).

Commissioner Vitas asked if any variances were required for the project.

Planner Lowe responded that no variances were required.

Commissioner Snyder inquired if any projects of similar size needed a mitigated negative declaration.

Director Wong indicated that other similar projects have had mitigated negative declarations, but that the CEQA exemption used for this project is relatively new.

Commissioner Snyder asked what the findings were for the CEQA infill exemption.

Planner Lowe read the findings to the Commission.

Commissioner Snyder asked if the infill findings were new from the State.

Planner Lowe indicated that they were incorporated in 2006.

Commissioner Snyder asked if the exemption wasn't an option and that a mitigated negative declaration had been prepared for the project, would staff's recommendations been any different.

Planner Lowe responded stated that staff's analysis and conditions would be the same.

Commissioner Snyder asked if the front of the project has sidewalks.

Planner Lowe indicated that the project is conditioned to provide sidewalk.

Commissioner Snyder asked if the parking provided for the project is consistent with Auburn (standards).

Planner Lowe reviewed that City's parking standards and indicated that the project complies with the City's standards.

Commissioner Young inquired about the number of trees being removed and the number of trees surveyed.

Planner Lowe stated that the arborist report inventoried twenty-nine (29) trees and confirmed that the project would remove eleven (11) protected trees

Commissioner Young requested clarification about the width of Electric Street.

Planner Lowe reviewed the physical characteristics of Electric Street.

Commissioner Young questioned if sidewalk would go to the property line and if drainage was provided in the street.

Planner Lowe responded that sidewalk would be provided on the frontage and that street drainage was sheet flow.

Commissioner Spokely requested clarification regarding surrounding land uses and zoning.

Planner Lowe reviewed the uses surrounding the project.

Commissioner Spokely asked about project drainage and sheet flow.

Planner Lowe reviewed the drainage plan and confirmed that project sheet flow would be minimal.

Commissioner Spokely inquired about the location of air conditioning units.

Planner Lowe identified where the air conditioning units and condensers would be situated.

Commissioner Spokely requested clarification about the location of the refuse enclosure and turning radii for the project.

Planner Lowe confirmed that access to the refuse enclosure was appropriate.

Commissioner Spokely asked if the frontage improvements required by the project were limited to just the project's frontage.

Planner Lowe confirmed that the improvements would only be installed along the project's frontage.

Commissioner Spokely inquired about windows on the units and LEED certification for the project.

Planner Lowe confirmed the developer's intent to achieve LEED certification and how the addition of windows could jeopardize this certification.

Chair Worthington requested clarification about project density.

Planner Lowe confirmed the project density.

Chair Worthington requested clarification that the R-3 zone allowed for a combination of single-family, duplexes, and multiple-family units.

Planner Lowe confirmed that the R-3 zone allows for that variety of unit types.

Chair Worthington asked if the use of form based code was discussed with the applicant in their design of the project?

Planner Lowe indicated that staff's review was not based on form based code.

Chair Worthington asked if existing residents on Electric Street would be restricted from parking on Electric Street.

Planner Lowe indicated that existing residents would not be restricted from parking on Electric Street.

Chair Worthington questioned access through the site and asked if the Fire Department reviewed project access.

Planner Lowe confirmed that the Fire Department had reviewed the project and confirmed proper access.

Chair Worthington requested clarification regarding tree planting and existing tree cover.

Planner Lowe reviewed how the landscape plan relates to the existing site.

Chair Worthington questioned whether shrubs could be planted as an alternative to trees to provide a buffer for adjacent residents.

Planner Lowe indicated that could be possible.

Commissioner Young raised a question about parking behind the carports and requested confirmation that the Fire Chief had no problems with turning movements for fire apparatus.

Planner Lowe confirmed that the Fire Chief reviewed the project plans and was satisfied with the turning movements.

Commissioner Vitas asked if carport parking spaces were sized appropriately.

Planner Lowe responded that the carport spaces met City standards.

Commissioner Vitas inquired about whether the units were for sale and if there were any ownership restrictions.

Planner Lowe responded that there were no restrictions on ownership.

The applicant introduced himself as Mr. Marc Pohley, 2305 Country Lane, Auburn, CA 95603. Mr. Pohley indicated that his project is a townhome project, not an apartment project, and will have a home owner's association to insure that the project is maintained. Mr. Pohley stated that the project is consistent with the surrounding neighborhood and that it complies with the City's development standards. The applicant indicated his desire to make this development a LEED certified project and reviewed what LEED certification involved.

Mr. Matt Pohley of 1620 High Street, Auburn, CA 95603 introduced himself as the son of Marc Pohley and one of the project owners. Matt Pohley addressed some of the questions and concerns raised by the Commission. Matt reviewed the studies that supported the project's CEQA exemption, LEED certification requirements, the project's compliance with the City development standards and their interest in creating a quality development. Matt Pohley confirmed his discussions with the fire department regarding access to the project, reviewed project landscaping, confirmed a no net increase in drainage as referenced in the hydraulic analysis prepared for the project, and stated that the home owner's association will insure maintenance of the project.

Mr. Marc Pohley reviewed the number and health status of the trees on the site.

The applicant's architect introduced himself as Jerry Minta, 112 Gold Street, Auburn, CA 95603. Mr. Minta discussed the CEQA infill determination and its applicability to this proposal. Mr. Minta reviewed the issues that affected the design of the project.

Mr. Matt Pohley indicated that he had a computer presentation that would put the project, and its relationship to the neighborhood, into perspective for the Commissioner.

Commissioner Young asked the applicant why a wood wall was proposed along the western property line.

Mr. Matt Pohley indicated that a wood fence would impact the trees along the western property line less than a masonry wall.

Mr. Minta started a digital modeling presentation that showed the project and its relationship to surrounding neighborhood features.

The Chair called for a break at 7:19 p.m.

The Chair called the hearing back to order at 7:24 p.m.

Mr. Minta continued with the digital modeling presentation.

Chair Worthington took questions from the Commission.

Commissioner Vitas asked the applicant if there is a way to prevent the units from being rented out.

Mr. Marc Pohly stated that he thought it would not be legal to prohibit property owners from renting out their units.

Commissioner Vitas asked the applicant what the unit price would be.

Mr. Matt Pohley responded that the price might range from \$220,000-\$250,000.

Commissioner Spokely asked the applicant to clarify the common areas and what would be maintained by the HOA.

Mr. Matt Pohley identified the common areas and maintenance requirements.

Commissioner Spokely requested that the applicant clarify ownership of the solar equipment on the carports.

Mr. Matt Pohley indicated that they anticipate that the solar equipment will be designed and owned separately by the residents.

Commissioner Spokely questioned how the project would be maintained if the applicant is forced to hold onto several units for any considerable length of time.

Mr. Matt Pohley stated that as a LEED project, the areas being maintained have been minimized, therefore, that impact is minimal.

Commissioner Snyder suggested that the applicant consider alternatives to windows that can be added to the front of the buildings to give the appearance of a window, without compromising LEED certification. Commissioner Snyder also suggested locating the solar equipment on the roof of the units instead of the carports. Commissioner Snyder also asked the applicant why they were proposing a sign.

Planner Lowe responded that a sign is not required, that one was proposed by the applicant, and that a condition was imposed to reduce the size of the sign to comply with the City sign ordinance.

Chair Worthington opened the hearing to the public.

Mr. Mark Foreman of 191 Ruby Street stated that the project architecture doesn't fit with the character of the area, that most of the units in the area are single-family residential units, and that the number of units for the project should be reduced to four or five.

Ms. Nancy Lang at 139 Electric Street raised a question about access to the rear of her property. She also expressed concerns regarding the size of the project and how it will affect her property, fire access, drainage, sewer, parking, the ability of the units to sell in the current real estate market, and impacts to trees.

Ms. Elizabeth Kennedy at 140 Ruby Street expressed concerns regarding previous flooding and sewer issues affecting her property and how the proposed project would affect her. Ms. Kennedy also stated that Ruby Street should be made a one-way street.

Mr. Daniel Verissimo at 293 Lincoln Way stated he was against the project and was concerned about existing sewer and drainage issues affecting the project site. Mr. Verissimo also stated that the site being too tight for the proposed development.

Mr. Ron Wiedeman at 131 Electric Street stated that his concerns included project density, impacts to the trees in the southwest corner of the project site, privacy for the units on the property to the south, and the location of windows facing Electric Street.

Ms. Gretchen Hecker at 152 Electric Street stated that she didn't think the project is "right" for the neighborhood. Ms. Hecker also expressed concerns regarding more cars in the neighborhood and crowding.

Ms. Star McKersie at 156 Electric Street stated that she agrees with her neighbors on the prior issues that they've raised and that the project doesn't fit with the character of the existing neighborhood. Additional concerns Ms. McKersie brought to the Commission included traffic, crime, increased population, the imposing nature of the development, and reduction in property values.

Mr. David Salter at 160 Diamond Street addressed the Commission and commented on the width of Ruby Street. In addition, Mr. Salter expressed concerns for how his view from Diamond Street will change, impacts to trees, drainage on the property, why setbacks on the proposed project are different than the setbacks on his property, parking on Electric Street, concerns that it will be an eyesore and crime problem, the fact that the size of the new units will be larger than the existing homes in the neighborhood, and the change in views that the project would create.

Mr. Tim Lopez at 120 Diamond Street expressed concerns regarding the change in character for the neighborhood, potential for crime, and existing sewer issues in the neighborhood.

Ms. Diane Roberto at 115 Electric questioned the categorical exemption proposed for the environmental determination, stated that a traffic study, a parking study, and a drainage study should be prepared, and requested the preparation of an environmental impact report. Ms. Roberto also expressed concern that the 10-day public notice did not provide her with sufficient time to prepare for the public hearing. Ms. Roberto also questioned the need for a project sign, the large size of the project, the loss of trees and animals due to the development, and the change in the character of her neighborhood.

Ms. Mary Ellen Niedzielski at 180 Diamond Street expressed concerns regarding the short public notice for the hearing, changes to quality of life, noise impacts, the glut of housing on the market, and incompatibility of the project architecture. Ms. Niedzielski also questioned the density designation for the project, safety on Ruby Street due to its width, and circulation through the project.

Ms. Lisa Bell at 160 Ruby Street questioned the ability for emergency vehicles to circulate through the project, sewer problems in the area which also affects her property, and the uncertainty about the location of utilities in the area. Ms. Bell also expressed concerns regarding the loss of trees, the increase in heat to the neighborhood due to the addition of asphalt area introduced with the project, noise added to the area, existing water on the property from a possible spring, and the additional lights provided with the project.

Ms. Kathryn Wiedeman at 131 Electric Street stated concerns about her property being surrounded by the new project, the loss of trees and privacy, additional noise, the potential for crime, and uncertainty for the type of people that would live in the project.

Ms. Cindy Bell at 160 Ruby Street raised concerns regarding existing water on the property, sewer issues in the neighborhood, views from Ruby Street with new two-story units looming over her property, and the number of units.

Mr. Sergio Platonoff at 6669 Alder Park Circle in Roseville, CA 95678 stated that he is the owner of duplex to the south of the project and that he agrees with the concerns expressed by others in the neighborhood, including the water and sewer issues. Mr. Platonoff expressed concerns regarding the loss of the oak trees, the size of the project, and the proximity of the new buildings to the southern property line and the resulting privacy issues for the units on his property. Mr. Platonoff also raised issues concerning parking, setbacks for the southern townhomes, the fence at the southwest corner of the new project, the presence of fill material on the project site, and project density.

Mr. Richard Hnry at 156 Electric Street objected to the density of the project.

Mr. Tim Lopez at 120 Diamond Street readdressed the Commission and expressed concern that fire trucks would not be able to get through the parking lot.

The Chair called for a break at 8:53 p.m.

The Chair called the hearing back to order at 9:00 p.m. and addressed questions from the public regarding meeting procedure.

Mr. Ed. Giuliani of Giuliani & Kull, 500 Wall Street, the civil engineer for the project, addressed several of the issues raised earlier by the public. Mr. Giuliani characterized the existing drainage issues on the property and the resulting drainage with the project. He addressed the sewer issue, noting that the existing sewer line on site would be relocated for this project. Mr. Giuliani summarized the existing physical characteristics of Electric Street and the improvements required of this development. He clarified the maneuvering needed to access the project garages and confirmed that the fire department has no issue with access through the project.

Mr. Matt Pohley, applicant, readdressed the Commission. He noted that the zoning for the property has been in place for quite awhile and that the project is appropriate for the zoning. He commented on concerns expressed about the project architecture, noting that there are at least seven different architectural styles on other projects in the neighborhood. Mr. Pohley noted that a number of the improvements they will be installing will help mitigate neighborhood concerns (e.g. drainage). He stated that lighting will be shielded and comply with code. Mr. Pohley addressed concerns raised about trees, commenting that they will comply with the requirements of the professional arborist. He addressed the project sign, noting that it will be removed from the project. Due to comments by several neighbors about Ruby Street, he also clarified that the project does not connect to Ruby Street.

Mr. Marc Pohley, applicant, readdressed the Commission. He commented that sprinklers will be provided for each unit and a new hydrant will be situated on-site. He noted that they will not be building on top of any drainage or sewer lines, they will be relocated. Marc Pohley noted that hydrology and geotech reports are on file with the City, including information about the ground water. He also addressed project setbacks and that the two-story buildings are common to the City.

Chair Worthington asked the applicant to identify the type of trees being planted with the project.

Matt Pohley stated that they would be planting Queen Annes, crape myrtles, and fan palms.

Chair Worthington asked if any oaks, redwoods, or cedar trees would be planted to replace trees being removed.

Matt Pohley indicated that other trees would be planted in order to meet LEED certification.

Chair Worthington asked the applicant to address concerns raised about fill material on the site.

Matt Pohley noted that the geotech report addressed the fill material and that the improvement plans would specify compaction.

Marc Pohley addressed the fill issue, commenting that the old fill on the site would be removed. He also addressed prior density questions, noting that the project site is composed of two lots, thereby giving him the necessary project area for the nine proposed units.

Ed Giuliani readdressed the Commission, reviewing details of a cross section of Electric Street.

Chair Worthington noted that the Commission would now ask questions of the applicant.

Commissioner Snyder inquired about the underground water issue and what special things could be done to deal with it.

Mr. Giuliani responded that subgrade treatments could be used to bring water into the storm drain system and alleviate off-site underground drainage. He also noted that sheet flow would be captured on-site to reduce offsite effects.

Commissioner Snyder noted that cross drainage treatments could be used to capture water moving to and across the site.

Mr. Giuliani confirmed these measures would be utilized.

Commissioner Snyder noted that the project would neither aggravate the existing sewer issues in the neighborhood, nor solve the off-site sewer issues.

Mr. Giuliani noted that the City is currently working on sewer issues in the area.

Commissioner Snyder asked staff if the sewer repairs for the area are planned for action by the City at some time in the future.

Mr. Giuliani stated that his understanding was that the sewer issues are not capacity issues, but instead were associated with an aging sewer infrastructure.

Commissioner Spokely asked about project drainage, including how 100-year flows and drainage in the parking areas would be handled.

Mr. Guiliani reviewed the project's drainage designs.

Commissioner Spokely asked staff to review the project conditions to insure they included a provision for no net drainage increase.

Commissioner Spokely asked if the applicant objected to providing access for Ms. Lang to the rear of 139 Electric Street.

Marc Pohley indicated that they would give Ms. Lang a gate and deeded pedestrian right-of way for ingress and egress.

Commissioner Spokely questioned where existing curb, gutter, and sidewalk improvements were present on Electric Street.

Matt Pohley reviewed the improvements provided in the area.

Chair Worthington asked whether the applicant was open to providing curb and gutter on Electric Street to improve drainage, but not providing sidewalk, in order to maintain a rural feel to the neighborhood.

Matt Pohley confirmed that position.

Commissioner Spokely asked whether the construction of curb, gutter, and sidewalk would eliminate parking along Electric Street and whether the sidewalk would connect to anything.

Mr. Guiliani noted that its likely that parking could be affected, that the topography in the area restricts opportunities for the improvement, and that if the sidewalk were installed, it would not connect to any adjacent sidewalks.

Commissioner Spokely asked if the ground water table was identified in the geotechnical study.

Mr. Guiliani responded that he couldn't recall if that was specifically addressed. He noted that the ground water issue isn't just a project issue since water comes throughout the neighborhood. He stated that cross drains and French drains can be provided to improve the situation, but since this issue is larger than just this project, these improvements wouldn't solve all of the drainage problems in the neighborhood.

Jerry Minta commented that French drains would be needed at the northwest part of the site, which would help to solve the project's drainage issue and also help to solve drainage issues for the neighbors as well.

Commissioner Spokely asked what consideration was given for the adjacent residences in regards to privacy and the placement of windows.

Matt Pohley noted that windows were placed where they were needed in the living space and that no specific features, such as bay windows, were added that would create privacy concerns.

Commissioner Spokely questioned what trees would be planted in the rear yards and who would maintain the areas.

Matt Pohley indicated that trees are not contemplated for the rear yards and that the property owners will maintain those areas.

Commissioner Vitas asked if any water pressure testing had been done for the water suppression system.

Marc Pohley indicated that the fire chief had confirmed that adequate water pressure was provided in the area.

Commissioner Vitas stated that he visited the property, had concerns about site drainage, believed that parking could be impacted with the installation of street improvements, empathized with neighbors regarding possible increases in noise, and felt there was probably nothing to be done about heat coming from the asphalt.

Commissioner Young expressed concern regarding the lack of a plan for drainage as well as the privacy issue, especially for the houses to the south of the project site.

Matt Pohley stated that, given the proximity of the adjacent duplex to the common property line, tenants in the new project would be looking at the roof of the duplex and not in their windows.

Commissioner Young asked the applicant who they were targeting with their project.

Matt Pohley stated that they would be targeting individuals that enjoy the foothills, enjoy an eco-friendly home, want a project that takes advantage of existing infrastructure, and are looking for units priced for the average family.

Commissioner Young asked the applicant to explain why the project doesn't provide much other than the units, such as landscaping or site amenities.

Matt Pohley represented that the project design reflects LEED design and units that people are looking for in today's market.

Commissioner Vitas asked the applicant to clarify the colors for the project.

Matt Pohley explained the proposed colors.

Planner Lowe reviewed the location of sidewalk improvements in the neighborhood along Electric Street.

Chair Worthington asked staff to identify how much of Electric Street had sidewalks.

Planner Lowe and Commissioner Snyder estimated that roughly 10-15% of the Street had sidewalk.

Commissioner Snyder asked what the actual density of the project was.

Planner Lowe stated that the density is 15 dwelling units per acre.

Chair Worthington noted some possible confusion by neighbors about terminology used in the public hearing notice and asked if the notice was properly prepared.

Director Wong stated that the terminology is correct and that the public hearing notice was prepared properly.

Chair Worthington asked staff if a hydrology study is currently on file with the City and if the public could review the study.

Planner Lowe indicated that a geotechnical report is on file with the City.

Chair Worthington asked the applicant if they considered pervious pavement as part of the drainage strategy.

Matt Pohley indicated that they are willing to consider pervious pavement as part of their overall drainage plan.

Chair Worthington reiterated concerns expressed by neighbors regarding the loss of trees. Chair Worthington also commented that it would have been advantageous to have the fire chief present to address questions about the project.

Matt Pohley reviewed his conversations with the fire chief and stated that the fire department had satisfactory access to the units in the development and that the project will comply with all of the fire department's standards.

Ms. Lang readdressed the Commission and asked where the children of the project would play.

Chair Worthington closed the public hearing.

Chair Worthington reopened the public hearing

Ms. Roberto readdressed the Commission and asked for an EIR to be prepared for the project.

Mr. Platonoff readdressed the Commission, expressing concerns regarding the community sewer problem and privacy for his property.

Chair Worthington closed the public hearing.

Commissioner Snyder suggested that the Commission act on the project this evening and indicated that he had suggested conditions for the project. He indicated that this project is the type of development that the City generally wants. Commissioner Snyder also indicated that this type of project would never generate the need for an EIR.

Commissioner Spokely concurred with Commissioner Snyder's comments. He also expressed concern regarding the loss of parking on Electric Street, and noted that sewer concerns will be addressed by the conditions of approval imposed on the project.

Carie Huff, Associate Civil Engineer representing the Public Works Department, indicated that the City would not allow the project to tie into a system that doesn't work.

Commissioner Young asked if this project would be able to connect to the City's sewer system before the City fixes the current problems with the system.

Engineer Huff stated that she would have to research the status of the issues affecting the area.

Commissioner Vitas expressed his concern regarding the sewer issues affecting the area, but felt that conditions could be applied to the project in order to allow a vote.

Commissioner Young expressed concerns regarding parking, sewer, traffic, and drainage, but noted that additional studies will be required for the project.

Chair Worthington suggested that more time should be provided for neighbors and the Commission to review the proposal as well as for staff to review the sewer issue and provide answers to the questions raised by the public and the Commission.

Commissioner Spokely noted that the project has been conditioned to address the sewer and drainage issues.

Commissioner Young concurred with Commissioner's Spokely's comments.

Chair Worthington **MOVED** to continue the request to November 3, 2009. The Commission discussed the motion for continuance. The motion was not seconded and failed for lack of a second.

Commissioner Snyder **MOVED** to adopt Planning Commission Resolution 09-14 for the Tuscan Palms Townhomes (Files DRP 09-03; SUB 09-1; and TP 09-3) with the following amendments:

The following condition will be added as Public Works Condition 36:

36. Prior to the approval of improvement plans or issuance of a grading permit, the applicant shall provide remedies to address the subsurface groundwater flows on the property which may require extensive research/investigation. Remedies shall be to the satisfaction of the Public Works Department.

Public Works Condition 37 shall read as follows:

37. The applicant shall verify the capacity and competency of the existing sewer laterals, sewer lines and manholes, including offsite sewer lines. If manholes or sewer lines are not acceptable, upgrades and/or repairs shall be required by the applicant, or the City, to the satisfaction of the Public Works Department before the project may proceed (i.e. prior to the approval of improvement plans or issuance of a grading permit).

Design Condition 15 shall read as follows:

15. The monument sign shall be eliminated from the project.

The following condition will be added as Design Condition 24:

- 24 To protect the privacy of tenants located at 125-131 Electric Street, the developer shall submit a Sight Line Diagram to the Community Development Department for review and approval. If the Sight Line Diagram reveals that bedroom window views from the Tuscan Palms Townhome project may impact the privacy of the residents located at 125-131 Electric Street, the developer shall install opaque windows on the south facing walls adjoining 125-131 Electric Street. The

opaque windows shall be shown on the construction plans for the project.

Commissioner Spokely **MOVED** to amend the motion with the following amendments:

The following condition will be added as Design Condition 23:

- 23 - The developer shall grant a pedestrian access easement on behalf of Ms. Lange across the northerly access from Electric Street to the Northwest corner of 139 Electric Street. The purpose of the easement is to allow Ms. Lange to access the rear of her property located at 139 Electric Street. The access easement shall extend from Electric Street thence west along the egress drive to the rear of 139 Electric Street. The developer shall also install a gate at the Northwest corner to provide access to the rear of 139 Electric Street property. The pedestrian easement shall be shown on the Final Map to the satisfaction of the Community Development Department prior to filing with the County Recorder's Office.

Public Works Condition 17 shall read as follows:

17. Asphalt concrete dike improvements along Electric Street shall be installed along the property frontage to the satisfaction of the Public Works Director. These improvements shall be included as a part of the site plan improvements and completed as a part of those same improvements.

Commissioner Vitas **SECONDED** the motion.

AYES: Snyder, Spokely, Vitas, Young
NOES: Worthington
ABSTAIN: None
ABSENT: None

The motion was approved.

Chair Worthington informed the public of the process to appeal the Planning Commission action to the Auburn City Council, including the appeal form, appeal fee, and appeal period.

V. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. City Council Meetings
None

- B. Future Planning Commission Meetings
November 3, 2009
SACOG training is coming up
- C. Reports
No reports

VI. PLANNING COMMISSION REPORTS

None

VII. FUTURE PLANNING COMMISSION AGENDA ITEMS

None

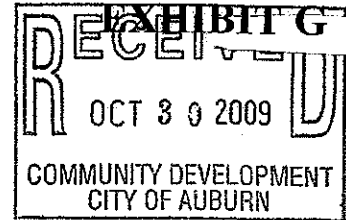
VIII. ADJOURNMENT

The meeting adjourned at 10:47 p.m.

Respectfully submitted,

Reg Murray
Senior Planner

CITY OF AUBURN
PLANNING COMMISSION APPEAL



The Auburn Municipal Code, Section 159.424, provides that any person not satisfied with an action of the Auburn Planning Commission may appeal said action to the City Council. Such appeal shall be made by filing a written application with the City Clerk's Office within ten (10) calendar days after the decision of the Planning Commission. Said written application shall specify the particular action or decision, or portion thereof, which is being appealed, and shall describe the reasons for the appeal, and should include suggested remedies. The City Council shall act on appeal applications within sixty (60) days after such an appeal has been filed with the City Clerk's Office. Return completed application, along with fee of \$100.00 to:

City Clerk's Office
1225 Lincoln Way, Room 8
Auburn, CA 95603
(530) 823-4211, ext. 112

APPEAL APPLICATION

I, NANCY S. LANGE AND THE NEIGHBORS OF ELECTRIC ST.
(Printed Name of Appellant)

hereby appeal the below noted action (s) of the Auburn Planning Commission:

Date of Planning Commission Action: OCTOBER 20, 2009

Project Name/Application No.(s): TUSCAN PALMS TOWN HOMES

133 AND 141 ELECTRIC ST. AUBURN
(Use Permit, Subdivision map, etc.)

Project Location: 133-141 ELECTRIC STREET - AUBURN

Assessor's Parcel Number: 003-052-007 AND 010

Mailing Address: P O BOX 6265 AUBURN 95604
(139 ELECTRIC ST. - AUBURN - RESIDENCE)

Phone: 530/823-1486 Email Address: NAN6265@SBCGLOBAL.NET

Nancy S. Lange 10/30/09
Signature of Appellant Date

For city staff use only

Date: 10/30/09 Receipt No. 53170 Received by: SC Fee Paid: 100

City of Auburn Planning Commission Hearing of October 20, 2009, 6:00 p.m.

APPEAL OF PLANNING COMMISSION APPROVAL

By the Below-Named Residents (Appellants) of the Electric Street Neighborhood
of Planning Commission's Conditional Approval of
Design Review (DRP 09-3), Tentative Subdivision Map (SUB 09-3), & Tree Permit (TP 09-3)
for the proposed Tuscan Palms Townhomes at 133 & 141 Electric Street
(APN's 003-052-007 & 010)
Zoning: Medium Density Multiple Family Residential District (R-3)
as Presented by Marc Pohley, Applicant

Appellants:

- Monty & Gretchen Hecker, 152 Electric Street
- Elizabeth Kennedy, 140 Ruby Street
- Nancy Lange, 139 Electric Street
- Starr McKersie, 156 Electric Street
- Sergio Platonoff (owner) of 125 - 131 Electric Street
- Diane Roberto, 115 Electric Street
- And others in the neighborhood unable to participate in this Appeal.

Planning Commission Action/Conditions: Approved with revised Conditions as follows:

Planning:

- ~~15. The monument sign shall be eliminated from the project. The monument sign shall be reduced in height not to exceed three (3) feet.~~
23. The developer shall grant a pedestrian access easement on behalf of Ms. Lange across the northerly access from Electric Street to the Northwest corner of 139 Electric Street. The purpose of the easement is to allow Ms. Lange to access the rear of her property located at 139 Electric Street. The access easement shall extend from Electric Street thence west along the egress drive to the rear of 139 Electric Street. The developer shall also install a gate at the Northwest corner to provide access to the rear of 139 Electric Street property. The pedestrian easement shall be shown on the Final Map to the satisfaction of the Community Development Department prior to filing with the County Recorder's Office.
24. To protect the privacy of tenants located at 125-131 Electric Street, the developer shall submit a Sight Line Diagram to the Community Development Department for review and approval. If the Sight Line Diagram reveals, to the discretion of the Community Development Department, that bedroom window views from the Tuscan Palms Townhome project may impact the privacy of the residents located at 125-131 Electric Street, the developer shall install opaque windows on the south facing walls adjoining 125-131 Electric Street. The opaque windows shall be shown on the construction plans for the project.

Public Works:

36. Prior to the approval of improvement plans or issuance of a grading permit, the applicant shall analyze remedies to address the subsurface groundwater flows on the property which

may require extensive research/investigation. Analysis and remedial improvements shall be to the satisfaction of the Public Works Department.

37. The applicant shall verify the capacity and competency of the existing sewer laterals, sewer lines and manholes, **including offsite sewer lines**. If manholes or sewer lines are not acceptable, upgrades and/or repairs shall be required by the applicant, **or the City**, to the satisfaction of the Public Works Department **before the project may proceed (i.e. prior to the approval of improvement plans or issuance of a grading permit).**

Reasons for Appeal:

By allowing the higher density development as originally planned, the Planning Commission has devalued the importance of open space that today's urban planning demands. Specific to the proposed Tuscan Palms project, all objections and problems have their basis in this fact. Had the Commissioners not been so hasty in their insistence on forcing the vote that night, and had they followed the Commission Chair's recommendation to allow for further review, perhaps some of the issues could have been examined more thoroughly and resolved amicably. This project has been poorly planned as evidenced by its lack of detail and needs further assessment.

The privacy issue (#24 above) is of major concern to the residents in the duplexes at 125-131 Electric Street. The impact of the proposed two-story buildings immediately adjacent to their homes goes beyond whether or not opaque windows prevent residents of the two-story building from intruding into their lives. There remains the issue of noise, and other nuisances brought about by people sharing space in such close proximity. With only 3' to the rear of the original residents' buildings plus the 7½' behind the proposed Townhomes, a totally insufficient buffer is created. This issue was not adequately addressed at the Hearing. The placement of the Townhomes on the parcel has not been thoroughly thought out vis a vis the impact on the original residents and neighbors. The privacy and noise issues are a major concern to the residents of both Ruby and Diamond Streets as well.

Existing sewer line locations, their capacities and competency are inadequate to handle the present residents and residences. The addition of nine (9) additional residences as currently planned could strain the existing sewage systems beyond remedy. The tentative plans do not show the actual locations of sewer lines nor how the project will connect or impact on them. Where Condition 37 states "... including offsite sewer lines," what remedial action will be taken and at what point will all affected offsite lines be mitigated, upgraded and/or repaired?

Issues not addressed in the revised Conditions or prior Conditions:

Open Space: By allowing for the maximum housing density of 15 residences per acre, every bit of space on the 2 parcels will be devoted to either structure or parking. There is no provision for any green or open space. What little landscaping that will be installed consists of planters.

Existing Trees: The beautiful and old coastal redwood tree is in danger as it sits on the edge of the proposed asphalt paving. Will the developer be required to mitigate the impact by placing a permeable surface beneath its 30' canopy? And if so, how will this impact on the resident's parking, control of their use of oil and other foul contaminants which could be dumped thereby affecting the root structure of the tree ultimately killing it??

Parking: Electric Street is extremely narrow. The proposed development is installing extremely narrow driveways and small parking spaces, with inadequate parking proposed for its

residents and their visitors. This will have a major impact on the existing street parking for the existing residents on Electric Street if all nine townhomes are built. The developers have not considered what their residents will do with any large trucks, SUVs or other vehicles, making only token reference to an unenforceable provision in the CC&Rs..

Suggested Remedy:

Limiting the number of Townhomes to no more than five (5) on the parcel to allow for additional space between residences, thereby increasing a greater Sight Line distance from the second story windows of the Tuscan Palms homes to the adjacent duplexes and the residences on Ruby and Diamond Streets. This would allow for the creation of some open space. Just because the Zoning Plan allows for from 5 to 15 units per acres doesn't mean that the maximum can always be achieved – and for the combined 2 parcels, nine is the maximum allowable. Something less could be considered.

Creating open space: This would have the additional benefit of creating a more attractive environment for the new residents, as well as limiting or eliminating many of the parking, drainage, and other issues created by the current design. Reduced in scope, this project could become a development that would be welcomed by the other residents of Electric, Ruby and Diamond Streets.

Cited below are some of the existing rationales for the above remedies as stated in the Auburn General Plan.

Reference: Auburn General Plan, Page IV-3:

Residential, Goal 5: Establish a variety of residential densities which will provide for different housing types and levels of cost.

Policy 5.1 The City does not guarantee that any individual project will be able to achieve the maximum densities shown on the Land Use Map. (Recorded maximum densities reflect ideal conditions and are not guaranteed for all projects.)

5.3 Promote use of Planned Unit Developments to provide for clustering and open space areas.

Reference: Auburn General Plan, Page VI-6

2. Goals and Policies

The goals and policies in this report were developed in conjunction with the Citizen Advisory Committee for the City of Auburn General Plan Update. These Goals and Policies are presented by topic and sequentially, not by priority.

Goal 1: Provide a range of housing choices that meet the needs of all Auburn residents in terms of type, density and cost.

Policy 1.5: The City shall locate higher density housing in those areas that are least environmentally sensitive and have infrastructure capabilities.

Policy 1.6: The City shall encourage infill building and cluster housing in order to promote large open areas and ensure that public facilities and services are provided in a cost-effective manner.

MONTY & GRETCHEN HECKER
152 ELECTRIC ST.

Planning Commission Action/Condition:

They approved the project. I feel that the Planning Commission showed us no compassion. I believe their minds are already made up.

Reason for Appeal:

My family & I believe that the Townhouses are simply too much for our neighborhood. Nine townhouses on the two lots on the narrow part of Electric Street will cause a parking problem. Paving the two lots will cause a problem with water runoff. The problem with our sewage will only grow with 9 new homes contributing to it. It will congest our neighborhood.

Please don't overcrowd our street. Find a place that is more accommodating for these townhouses.

Suggested Remedy:

I believe that finding a location that will accommodate the Townhouses better than the suggested location on Electric Street is the Remedy.

Planning Commission Action/Condition:

The Planning Commission maintains their position of going ahead with the construction of these townhomes. They do so without much regard to the surrounding homeowners concerns. We as homeowners feel as though this project will have a direct impact on us in number of ways.

Reason for Appeal:

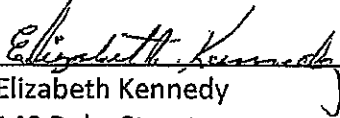
The reason for this appeal is with regards to the environmental factors that will arise with this project. One such factor is that we already have an overloaded sewage system. It is due to this problem that we have a water issue in which water is continually running approximately eight feet below ground level. Such an issue has caused three sinkholes (since 1963) to occur in the surrounding area. This reason alone proves for an unstable building foundation.

Other such factors include noise and traffic. Major traffic will occur on the back alley way of Ruby Street which allows only one car to pass through at a time. With regards to the issue of noise what is now a peaceful home life will be turned into one of continued disturbance. These components will have a major impact on the quiet solitude we've been accustomed to for years.

Suggested Remedy:

We understand that construction will go on, however, we believe it would be more advisable to build no more than four or five units. Fewer units would allow for a more suitable foundation and less compaction of individuals once the remodel is concluded. It is with these heavy concerns that I ask you to consider before going through with the planning and reconstruction.

Sincerely,


Elizabeth Kennedy
140 Ruby Street
Auburn, CA 95603

Planning Commission Action/Condition:

APPROVED IN-fill development
Creating "High" Density Multiple
Family Residences / Townhomes.
A total of '9' on less than
ONE (1) acre of land.

CONDITION:
Repair - SEWER
- WATER IN AREA WHICH IS EXISTING PROBLEM.

Reason for Appeal:

* STRONGLY OPPOSE THIS PROPOSAL!
ELECTRIC ST. IS NOT THE APPROPRIATE LOCATION
FOR SUCH A DEVELOPMENT. PROJECT IS PROPOSED
TO BE DEVELOPED ON LESS THAN ONE (1) ACRE OF LAND SURROUNDING
TWO (2) SMALL OLDER HOMES. COMPLETELY "CHANGES" THE
COUNTRY CHARACTER OF ELECTRIC ST. WHICH IS A NARROW
RESID. ROAD. DEVELOPMENT TAKES AWAY OUR TREES, OPEN
AREAS AND WILL INCREASE TRAFFIC & CONGESTION AND
SUGGESTED REMEDY: potential increase of crime as well.

DENY MARC POTLEY'S plan to develop on
ELECTRIC STREET. SUGGEST HE LOOK FOR
OTHER AREAS AROUND AUBURN WITH MORE
LAND — PERHAPS AROUND HIS HOUSE.

* THE ENTIRE NEIGHBORHOOD OPPOSES THIS PROPOSAL
and feel the planning commission did NOT take our
concerns into account

VERGIO PLATONOFF
(OWNER)
125-131 ELECTRIC ST.

Planning Commission Action/Condition:

On file

Reason for Appeal:

Appeal is based on the issues listed in the previous letters sent to the Planning Commission & some issues from others. The commission did not address all my concerns & issues and rushed to vote & end the hearing. Some issues were partially addressed and the builder/owner had plenty of opportunity to rebut the public and I was deprived a chance to speak.

I own the property next door, 2 duplexes and was only given 3 mins to bring up all my issues/concerns. The bldg team had 1 1/2 hrs. We were told that there would be another chance to speak if there were still some issues that were not brought up. Well, that never happened.

Some info & drawings from the builder's team was erroneous and misleading. The commissioners based their decisions (not suggested remedy) on some of this wrong information, this is cause for a big concern or a re-hearing.

In addition, the proposed project requires an 'Environmental Impact Report'.



MARC POHLEY & ASSOCIATES

GENERAL BUILDING CONTRACTORS

CA LIC. # 374638

2305 Country Lane, Auburn, CA 95603

Phone: (530) 823-5681

Fax: (530) 823-1430

November 10, 2009

Lance E. Lowe, AICP
City of Auburn
Community Development Department
1225 Lincoln Way
Auburn, CA 95603

**RE: Response to Appeal of Planning Commission Approval
Tuscan Palms Townhomes Project – 133 & 141 Electric Street**

Dear Mr. Lowe:

Please find below responses to the Appellants' comments regarding the City of Auburn Planning Commission's Approval of Design Review (DRP 09-03), Tentative Subdivision Map (SUB 09-3), & Tree Permit (TP 09-3) for the Tuscan Palms Townhomes Project located at 133 & 141 Electric Street, Auburn, CA 95603 (APN #'s 003-052-007 & 010).

Density & Open Space

The project has been designed in strict accordance with all applicable zoning designations and regulations. The Medium Density Multiple Family Residential District (R-3) Zoning for the subject properties has been in affect since 1978. The R-3 Zoning allows for the development of 15 units/acre which equates to a maximum of 9.3 units for the proposed project site. The proposed project has a total of 9 units which equates to a density of 14.56 units/acre. Per the Findings of Fact documented in the Staff's formal Report, this project is suitable for the proposed densities and is evidenced by the following notable recommendations:

1.) The proposed Tentative Map is consistent with the Auburn General Plan. 2.) The design or improvement of the proposed development is consistent with the objectives, policies, general land uses, and programs specified in the Auburn General Plan. 3.) The site is physically suitable for the proposed development. 4.) The site is physically suitable for the proposed density of development. 5.) The design of the development or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. 6.) The design of the development or improvements is not likely to cause serious public health problems. 7.) The design of the development or the type of improvements will not conflict with the easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The Appellants' concern regarding the density of the project is based solely upon personal preference and is not consistent with the goals and policies of the City of Auburn Housing Element (2008-2013 Update, Adopted by Auburn City Council, December 8, 2008). The Appellants did not provide any evidence of fact to substantiate their concern of the proposed density and open space. Thorough review by the City Staff provided several facts adopted by the City of Auburn that support the proposed density. Additionally, Commissioners of the City Planning Commission noted during the October 20th, 2009 Public Hearing that higher densities are strongly encouraged by the State of California to maximize the use of existing infill projects.

The zoning designations and regulations indirectly govern the amount of open space required. Per the adopted zoning requirements, the project is allotted a maximum Lot coverage of 40%. The proposed project has a Lot coverage of approximately 27%. The layout of buildings relative to parking and open space facilities functionality and meets all required regulations. The provisions for open space have been sufficiently met and are in full compliance with all applicable requirements. In addition to meeting the provisions set forth by local code, the project's landscape plan has been designed in conformance with the applicable LEED™ for Homes guidelines pertaining to open space, irrigation efficiency and drought tolerant species. Per local code and LEED™ for Homes guidelines, the project provides adequate landscape and open space. The Appellants' review of adequate open space is based on personal preference with no tangible evidence to support such a request.

Privacy

Item #24 of the revised Conditions of Approval for the project was implemented based on a statement by the Owner of the duplexes at 125-131 Electric Street that his buildings were set back only 3'-0" from the property line. The Appellants' documentation also states that the duplexes are only set back 3'-0" from the property line. These statements are false and based on no supportive documentation. Pursuant to the Planning Commission Meeting on October 20th, 2009, a licensed survey was conducted by Giuliani & Kull, Inc. to verify the exact set backs of the two duplexes that are located to the south of the proposed project. The resultant survey documented that the duplexes are in fact 7.14 feet to 7.48 feet from the property line.

The adopted regulations mandate that single story structures have a minimum 5'-0" set back from the property line and two story structures must maintain a 7'-5" setback. Since the single story duplexes are more than 5'-0" from the property line, we fall within the parameters and actually exceed the code required minimum by more than 2 feet. Per the survey, there will be between 14.64 feet and 14.98 feet between structures, in lieu of the 10.5 feet as originally assumed during the Planning Commission Meeting.

The proposed project has been designed with minimal windows along the south elevation of Building I (Units #1 – 4) since privacy is equally as important to our future homeowners. Per the applicable building code, a minimum of +/- 47.1 s.f. of window space is required on the 1st Floor of each Unit; approximately 52 s.f. of window space has been provided in the proposed design. Per the applicable building code, a minimum of +/- 21.6 s.f. of window space is required on the 2nd Floor of each Unit; approximately 29 s.f. has been provided in the proposed design. The requirement of opaque windows would have a detrimental impact to the project by eliminating all southerly views from the bedroom windows and make it extremely difficult and/or impractical to meet the natural light and air requirements of the building code. Minimum setbacks have been adopted by the City to address the concern of privacy between adjacent properties. The project Team has provided sufficient evidence that proper distances are being maintained between properties.

Based on the above noted facts, the project Team requests that Item #24 be removed as a Condition of Approval. The project Team also recommends transitioning to wood fence in lieu of block wall at the southwest property corner just west of Unit #1 in an effort to save the +/- two trees along the property line which would help with privacy and visual screening.

Sewer & Drainage

The following analysis regarding storm water drainage and subsurface water conditions has been provided by our project Civil Engineer, Edward M. Giuliani, PE, PLS:

Existing site drainage patterns are overland in nature. Drainage facilities within the Electric Street neighborhood are minimal and at this specific site all drainage currently runs in a sheet flow pattern across the property. In addition to overland flow patterns, ground water was encountered during the geotechnical study in the spring of this year.

As presented in the preliminary grading and drainage plan, on site improvements will include a storm drainage pipe system together with a curb and gutter network for storm water collection. Sub drain pipes will also be incorporated into the final design to address ground water and subsurface water conditions. Complete drainage systems will be detailed within construction documents for review and approval by the Auburn Department of Public Works prior to any construction. Post construction drainage patterns will result in a reduced flooding potential to the adjacent downstream neighbors.

The condition of the existing sewer system is currently being reviewed and evaluated by the Department of Public Works and the project Civil Engineer. The results of their evaluation and investigation are to be presented under separate cover.

The Appellants' statements regarding existing sewer line locations, their capacities and competency have no factual substantiation. The integrity and factual evaluation of these items are to be addressed by the Registered Professionals who are licensed to perform such an analysis. The project fully intends to address all issues as currently conditioned to the satisfaction of the Public Works Department. The project Civil Engineer, Giuliani & Kull, Inc., will incorporate into the design all requirements as set forth by the Department of Public Works to adequately address each sewer and drainage issue. Contrary to the information provided in the appeal, all existing and future sewer lines that will be impacted by the project are clearly shown on the tentative plans and have been reviewed by the Department of Public Works. The final design of these civil elements will be incorporated with the permit set of construction documents as is typical on all projects.

Existing Trees

Nicole Harrison, ISA Certified Arborist #WE-6500A, with Abucus, performed an inventory and formal arborist report of all trees on the proposed development property and on adjacent properties as required. The following is a brief summary regarding the 11 trees on the property that qualify as "protected trees" by the standards of the Auburn Tree Ordinance (reference Abacus Arborist Report for 133 Electric Street, dated May 11, 2009):

- ◆ 1 of the protected trees on this property is rated a 0 ("dead"). No mitigation is required in Auburn.
- ◆ A total of 3 trees are noted for removal due to their poor condition and are rated 1 ("dangerous/non-correctable"). No mitigation is required in Auburn.
- ◆ There are 4 trees rated 2 ("poor"). 50% of the mitigation rate is required in Auburn.
- ◆ 3 of the trees are rated 3 ("fair") or 4 ("good"). 100% of the mitigation rate is required in Auburn.
- ◆ There are no trees rated 5 ("excellent"). 150% of the mitigation rate is required in Auburn.

The recommendations documented in the arborist report specifically address protecting the existing trees from future development, including the noted Coast Redwood. The project team has had extensive conversations with Abacus regarding the preservation and protection of existing trees. The project team will ensure the contract documents incorporate these recommendations. In addition, Condition of Approval TREE PERMIT (FILE # TP 09-3) Item D-14 states the following:

Prior to acceptance of the subdivision improvements, the project arborist shall provide a letter to the Community Development Department certifying that the developer has complied with all the tree preservation measures required by the conditions of this project.

Parking

All driveways, parking spaces, fire department access, garbage disposal service access and associated turning exhibits have been reviewed, verified, and deemed acceptable by the City of Auburn Community Development Department, City of Auburn Fire Department and Auburn Placer Disposal. The project design meets all adopted codes and regulations pertaining to these items. The project provides two parking spaces for each Unit and, although the City of Auburn does not require guest spaces, four have been provided. Proper parking lot striping/labeling will be included in the project documents per the Conditions of Approval.

It was noted in the appeal that there is a concern for potential vehicular impact to Ruby Street. As clarified during the Planning Commission Meeting on October 20th, 2009, the proposed project does not show and will not provide access to Ruby Street. Ruby Street will have no vehicular or noise impact from the proposed project.

In conclusion, the project team strongly supports the Planning Commission's Approval of the Tuscan Palms Townhomes Project and their confirmation that the public's concerns have been adequately addressed via the current design and associated Conditions of Approval. In addition, the following summarizes our request for the City Council's Approval: The project is requesting no variances and no conditional use permits; the project meets the City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes; the project has been determined suitable for construction per the Cultural Resources Survey, Arborist Report, Hydrology Report, and Geotechnical Report; the project has been recommended for approval by the City of Auburn Community Development Department; the project has received Approval from the City of Auburn Planning Commission; the project exceeds the applicable goals and policies of the Auburn Housing Element; the project will be the first LEEDTM certified project in Auburn.

Our project team is excited to partner with the City of Auburn on this cutting edge project. Together we will distinguish Auburn as a pioneer in sustainable and environmentally conscientious development. If you have any questions or require additional information regarding the responses noted above, please feel free to contact me via phone (530) 305-1950 or email marcpohley@gmail.com.

Sincerely,

Marc G. Pohley

Marc G. Pohley

Date: 11/10/09

CITY COUNCIL RESOLUTION NO. 09-_____

A RESOLUTION DENYING APPEAL OF MS. NANCY S. LANGE ET AL. AND
APPROVING DESIGN REVIEW, TENTATIVE SUBDIVISION MAP AND TREE
REMOVAL PERMIT FOR THE TUSCAN PALMS TOWNHOME PROJECT LOCATED AT
133 & 141 ELECTRIC STREET
(DRP 09-3; SUB 09-01; & TP 09-03)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at
its regular meeting of November 23, 2009, to consider an appeal by Ms. Nancy
S. Lange et al., of the Planning Commission's approval of Design Review,
Tentative Subdivision Map and a Tree Removal Permit for the Tuscan Palms
Townhomes located at 133 & 141 Electric Street in the City (Files: DRP 09-03;
SUB 09-01; & TP 09-03).

SECTION 2. The City Council has considered all of the evidence
submitted at the public hearing which includes, but is not limited to:

1. Staff report prepared by the Community Development Department for
the October 20, 2009, Planning Commission meeting.
2. Staff report prepared by the Community Development Department
for the November 23, 2009, City Council meeting.
3. Design Review, Tentative Subdivision Map and Tree Permit plans and
supporting documents prepared for the project.
4. Staff presentation at the public hearing held on November 23, 2009.
5. Public Comments, both written and oral, received at or before the
public hearing, supporting or opposing the applicant's request.
6. All related documents received or submitted at or prior to the
public hearing.

1 7. The City of Auburn General Plan, Subdivision Ordinance, and Zoning
2 Ordinance.

3
4 SECTION 3. Upon review of all of the foregoing evidence, the City Council
5 finds the following:

6 1. The City Council, on the basis of the whole record before it (including
7 project environmental background information) finds that there is no
8 substantial evidence that the project will have a significant effect on the
9 environment and that the Class 32, Categorical Exemption for in-fill projects
10 reflects the lead agency's independent judgment and environmental analysis
11 for the project.

12 2. The City Council has determined that the Class 32, Categorical
13 Exemption is the appropriate level of environmental review for the proposed
14 Tuscan Palms Townhome project meeting the conditions described:

15 A. The project is consistent with the applicable general plan designation
16 and all applicable general plan policies as well as the applicable zoning
17 designation and regulations;

18 B. The proposed development occurs within City limits on a project site
19 of no more than five acres substantially surrounded by urban uses;

20 C. The project site has no value as habitat for endangered, rare or
21 threatened species;

22 D. Approval of the project would not result in any significant effects
23 relating to traffic, noise, air quality, or water quality;

24 E. The site can be adequately served by all required utilities and public
25 services.

1 SECTION 4. In review of all of the foregoing evidence, the City Council
2 finds the following:

3 1. All documents and materials to the proceedings for the Tuscan Palms
4 Townhomes are maintained in the City of Auburn Community Development
5 Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

6 2. The proposed subdivision is consistent with the Auburn General Plan
7 since the project is consistent with the R-3 zoning of the property and the
8 zoning and the High Density General Plan designation of the property are
9 consistent.

10 3. The design and improvement of the proposed subdivision is
11 consistent with the objectives, policies, general land uses, and programs
12 specified in the Auburn General Plan since it is consistent with the R-3 zoning
13 standards and the zoning and General Plan designation are internally
14 consistent. No specific plan is applicable to the site.

15 4. The City Council has considered the effect of its action on the
16 housing needs of the region and has balanced those needs against the public
17 service needs of its residents and available fiscal and environmental resources.
18 The project is consistent with the land use and housing elements of the City's
19 general plan and provides market-rate housing in support of the City's
20 attainment of its Regional Housing Needs Assessment goal.

21 5. To the extent feasible the design of the subdivision provides for
22 future passive and natural heating in the subdivision because of the
23 predominant north-south alignment of the buildings, which will allow for an
24 easterly exposure and westerly shade in the morning and westerly exposure
25 and easterly shade in the evening. Additionally, the benefit of landscaping and
26 setbacks coupled with prevailing breezes would contribute to natural heating
27 and cooling opportunities. The design of the subdivision will provide, to the
28 extent feasible, future passive or natural heating or cooling opportunities.

6. The site is physically suitable for the proposed development because

1 the use is consistent with the Zoning Ordinance which implements the Land
2 Use Element of the General Plan, which is consistent with the zoning and
3 internally consistent and demonstrates the City's previous conclusion that
4 residential use of the site was appropriate.

5 7. The site is physically suitable for the proposed density of
6 development because the use is consistent with the Zoning Ordinance which
7 implements the Land Use Element of the General Plan, which is consistent with
8 the zoning and internally consistent and which assigned this level of density to
9 the site.

10 8. The design of the subdivision or the proposed improvements will not
11 cause substantial environmental damage or substantially and avoidably injure
12 fish or wildlife or their habitat because the project is an infill development in a
13 fully developed area for which adequate urban infrastructure exists and for the
14 reasons stated in the Staff Report.

15 9. The design of the subdivision or improvements is not likely to cause
16 serious public health problems because all infrastructure necessary to serve
17 residential development of the site exists or will be provided by the project.

18 10. The design of the subdivision or the type of improvements will not
19 conflict with easements, acquired by the public at large, for access through or
20 use of, property within the proposed subdivision. The project is served by an
21 existing street system and does not interfere with any easements.

22 11. Discharge of waste from the proposed subdivision into an existing
23 community sewer system will not violate requirements of the Regional Water
24 Quality Control Board because there is adequate capacity in the City's sewer
25 collection system and treatment works and the City's treatment works is
26 operated consistently with waste discharge requirements established by the
27 Regional Board.

28 SECTION 5. In review of all of the foregoing evidence, the City Council
finds the following:

1. Approval of the Design Review is consistent with the City of Auburn

1 design review provisions in that Conditions have been imposed to provide
2 reasonable aesthetic improvement upon the appearance of the Tuscan Palms
3 Development to preserve the economic value of the project site and
4 neighborhood.

5 2. The architectural design of the Tuscan Palms Project is consistent
6 with architectural designs imposed on similar multifamily projects within the
7 City of Auburn.

8 3. Approval of the Tree Permit will not be detrimental to the public
9 health, safety, or welfare for the reasons above and stated in the Staff Report
10 and in the Tree Report prepared for the project.

11 4. Approval of the tree permit is consistent with the provisions of the
12 Auburn Tree Preservation Ordinance as the project minimizes the number of
13 trees removed and those that are removed will be mitigated as required by the
14 Tree Preservation Ordinance and for the reasons stated in the Tree Report
15 prepared for the project.

16 5. Conditions have been incorporated in the project or the permit to
17 address impacts to remaining trees or to provide replacement for trees
18 removed including but not limited to the placement of fencing around
19 remaining trees to protect them during construction and replacement of trees
20 on site or offsite by payment into a tree mitigation fund.

21
22 Section 6. In review of all the evidence and based on the foregoing
23 findings and conclusions, the City Council hereby denies the appellants' appeal,
24 thereby affirming the Planning Commission's decision to approve the Tuscan
25 Palms Townhome Design Review, Tentative Subdivision Map and Tree Permit
26 (DRP 09-03; SUB 09-01; and TP 09-03) and to adopt a Class 32, Categorical
27 Exemption, subject to the revised adopted Conditions of Approval attached
28 hereto as Exhibit A and attached as Exhibit J to the November 23, 2009, City
Council Staff Report.

1 Section 7. The time in which to seek judicial review of this decision shall
2 be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall
3 certify to the adoption of this resolution, transmit copies of the same to the
4 applicant and his counsel, if any, together with a proof of mailing in the form
5 required by law and shall enter a certified copy of this resolution in the book of
6 resolutions of the City.

7
8 DATED: November 23, 2009

9
10 _____
11 J. M. HOLMES, Mayor

12 ATTEST:

13 _____
14 Joseph G. R. Labrie, City Clerk

15
16 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
17 that the foregoing resolution was duly passed at a regular meeting of the City
of Auburn held on November 23, 2009 by the following vote on roll call:

18 Ayes:

19 Noes:

20 Absent:

21 _____
22 Joseph G. R. Labrie, City Clerk
23
24
25
26
27
28

PLANNING COMMISSION RESOLUTION NO. 09-14

TUSCAN PALMS DESIGN REVIEW, TENTATIVE SUBDIVISION MAP & TREE PERMIT (FILES# DRP 09-3; SUB 09-1 & TP 09-3)

Section 1. The City of Auburn Planning Commission held a properly noticed public hearing at its regular meeting of October 20, 2009 to consider a request for a Design Review, Subdivision Map & Tree Permit (Tuscan Palms Townhomes) – 133 & 141 Electric Street. The request would subdivide an approximate ±.618 acre parcel into nine townhomes ranging in size from 1,155 to 1,346 square feet. A Tree Permit is required for the removal of ±11 native trees. *(New Text from the October 20, 2009, Planning Commission Hearing is represented in **Bold text**. Text to be deleted is represented in ~~strikethrough~~ format)*

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department dated October 20, 2009.
2. Project plans submitted by the applicant (referenced herein as the “applicant” or the “developer”) and those terms include successors in interest of the applicant in any portion of the land affected by these approvals.
3. Categorical Exemption prepared by the Community Development Department.
4. Staff presentation at the public hearing held on October 20, 2009.
5. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
6. All related documents received and/or submitted at or prior to the public hearing.
7. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the evidence and based on the foregoing findings, the City of Auburn Planning Commission finds the following for the reasons stated in the staff report presented to the Commission on October 20, 2009.

The Findings of Fact for the Tuscan Palms Categorical Exemption are as follows:

1. The Planning Commission, on the basis of the whole record before it, finds that the project qualifies for a Categorical Exemption in accordance with Section 15332, Class 32 – In fill developments meeting the conditions described below:
 - a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
 - b. The proposed development occurs within city limits on a project site of not more than five acres substantially surrounded by urban uses.
 - c. The project site has no value as habitat for endangered, rare, or threatened species.
 - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

EXHIBIT A

- e. The site can be adequately served by all required utilities and public services.
2. The Planning Commission finds that the project meets the aforementioned standards and there is no substantial evidence that the project will have a significant effect on the environment. The Categorical Exemption reflects the lead agency's independent judgment and analysis.
3. All documents and materials relating to the proceedings for the Tuscan Palms project are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

The findings of fact for the Tuscan Palms Townhomes Design Review Permit (File DRP 09-3) are as follows:

1. The proposed design, as conditioned, is consistent with the Auburn General Plan.
2. The design or improvement of the proposed townhomes is consistent with the objectives, policies, general land uses, and programs specified in the Auburn General Plan.
3. The site is physically suitable for the proposed development.
4. The site is physically suitable for the proposed density of development.
5. The design of the project or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the project or improvements is not likely to cause serious public health problems.
7. The design of the project or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The Findings of Fact for the Tuscan Palms Tentative Subdivision Map (File SUB 09-1) are as follows:

1. The proposed Tentative Map is consistent with the Auburn General Plan.
2. The design or improvement of the proposed development is consistent with the objectives, policies, general land uses, and programs specified in the Auburn General Plan.
3. The site is physically suitable for the proposed development.
4. The site is physically suitable for the proposed density of development.
5. The design of the development or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the development or improvements is not likely to cause serious public health problems.
7. The design of the development or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
8. The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating or cooling opportunities.

The Findings of Fact for the Tuscan Palms Tree Permit (File TP 09-3) are as follows:

1. The tree permit will not be detrimental to the public health, safety, or welfare.
2. The tree permit is consistent with the provisions of the Tree Ordinance.
3. Measures have been incorporated in the project or the permit to mitigate impacts to remaining trees or to provide replacement for trees removed.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby adopts the Categorical Exemption prepared for the Tuscan Palms Design Review, Tentative Map & Tree Permit.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby approves the Tuscan Palms Design Review, Tentative Map and Tree Permit (Files# DRP 09-3; SUB 09-1 & TP 09-3) subject to the following conditions:

A. DESIGN CONDITIONS:

1. The Vesting Tentative Subdivision Map is approved for a maximum of nine (9) residential townhome lots subject to the Conditions of Approval attached herewith, and the approved plans (**Exhibit D**) on file in the Community Development Department. Minor modifications may be approved subject to review and approval by the Community Development Director and the Director of Public Works.
2. The Vesting Tentative Subdivision Map is approved for a period of two (2) years from this date **October 20, 2009**, and shall expire on **October 20, 2011**, unless an extension is timely requested by the applicant and approved by the Auburn Planning Commission pursuant to the Auburn Municipal Code.
3. All townhomes shall be constructed utilizing stem wall construction methods.
4. Development of the project shall comply with the City of Auburn Residential Multi-family (R-3) development standards for height, lot coverage, and setback requirements.
5. Good neighbor fencing shall be installed around the perimeter of the property as follows:
 - a. Fencing over 36" in height in the front yards is prohibited.
 - b. Good Neighbor fencing shall be constructed of cedar or redwood and shall not exceed 6 feet in height in accordance with Section 159.263 of the City Municipal Code. Chain link with slats shall not be permitted.
 - c. Fencing adjoining properties along Electric Street (APN 003-052-009 & 003-052-008) shall be designed to match the composite white fencing installed at the south and west property line of 137 Electric Street.

6. Subject to the review and approval of the City Attorney and Community Development Department, CC&R's shall be required for the development. CC&Rs shall address the following:
 - a. Residents shall be informed that larger vehicles (i.e. SUVs & 4x4 Trucks) may have difficulty with turning movements for Buildings I & II. Moreover, larger vehicles may not fit into the garages due to height and width limitations of the garages.
 - b. Roofing and siding material replacement may not be changed or altered by individual residents, but shall be required to be replaced for the entire complex.
 - c. Roof overhangs at the property lines are the responsibility of the owner on the lower elevations;
 - d. ~~Resident parking in the driveways and on the Electric Street shall be prohibited.~~ **All garages shall be reserved for tenant parking only. Secondary storage may be permitted within the garages provided that the storage does not prevent the use of the garage for parking.** Appropriate measures shall be taken by the established HOA for parking enforcement.
 - e. Satellite dish antennas shall be screened from public view.
 - f. Wood burning or Pellet appliances shall not be permitted. Only natural gas or propane fired fireplace appliances are permitted.
7. All residential dwellings shall comply with the standards of the Personal Security Ordinance of the Auburn Municipal Code, including house numbering.
8. All mechanical equipment, whether roof mounted or on the ground, shall be fully screened from view. Mechanical equipment shall be a minimum of five (5') from property lines. All antennas shall be placed in building interiors.
9. Prior to issuance of building permits, the developer shall pay applicable fees to the Placer Union High School District.
10. Prior to issuance of building permits, the developer shall pay applicable fees to the Auburn Union School District.
11. The abandonment of on-site wells and septic systems shall be completed in accordance with Placer County Environmental Health Department. Verification shall be provided to the Community Development Department prior to the issuance of Building Permits for the project.
12. Prior to the demolition of the existing single family residence and accessory structures, the applicant shall obtain a demolition permit from the Community Development Department, Building Division.
13. The design for any retaining walls abutting the public right-of-way and adjacent properties shall be shown on the improvement plans. All exposed portions of the retaining wall shall be constructed of split face, slump stone or other decorative block. Colors and materials

shall be subject to the approval of the Director of Public Works and the Community Development Director.

14. All proposed exterior lighting (i.e. pole lighting and wall mounted) shall be designed to match the light fixtures used for the townhomes. Any proposed freestanding lighting shall be restricted to a maximum height of sixteen (16) feet. Details shall be provided on improvement and/or construction plans. Glare shields shall be installed to direct light downward where necessary.
15. **The monument sign shall be eliminated from the project.** ~~The monument sign shall be reduced in height not to exceed three (3) feet.~~
16. All trash and storage areas, mechanical equipment, and other building appurtenances (i.e. utility meters, electrical boxes, air conditioners, fire sprinkler backflow valves, etc.) shall be screened from public view and adjacent properties. This includes the HVAC condensers at the rear of the buildings. Details shall be shown on the final construction and/or landscape plans. All screening materials shall be consistent with the main building materials and colors. Roof mounted screens and vents shall be compatible with the final roof materials and colors.
17. The six (6) foot masonry wall along the north and south property lines shall be extended to the west property lines of Lots 1 and 8 where the lots abut the common areas.
18. The following conditions shall apply to on-site landscaping:
 - a. The number and type of tree(s) shall be reviewed and approved by the Community Development Department. Tree planting information shall be provided for approval by the City in conjunction with improvement plans.
 - b. The developer shall minimize disturbance of the existing landscape materials around the building site.
 - c. The established HOA shall be responsible for maintaining all site landscape materials in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA).
 - d. Trees shall be planted in the west planter strip to the extent practicable. Trees shall also be planted along the south planter strip at the north access.
19. Prior to the issuance of building permits, the applicant shall pay all applicable fees to, and provide will-serve letters from:
 - a. Pacific Bell
 - a. Pacific Gas & Electric Company
 - b. Placer County Water Agency
 - c. Auburn Placer Disposal
 - d. Charter Communications (Cable)
 - e. Auburn Union School District

- f. Placer Union High School
 - g. U.S. Postal Service
20. Prior to the issuance of building permits, the applicant shall have a Photometric plan approved by the Community Development Department.
 21. The applicant shall design the project to meet the LEED Gold Certification or install additional windows on the west and east facing façades to the satisfaction of the Community Development Department.
 22. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of these approvals, or the activities conducted pursuant to this [permit]. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of these approvals, or the activities conducted pursuant to these approvals, the applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
 23. **The developer shall grant a pedestrian access easement on behalf of Ms. Lange across the northerly access from Electric Street to the Northwest corner of 139 Electric Street. The purpose of the easement is to allow Ms. Lange to access the rear of her property located at 139 Electric Street. The access easement shall extend from Electric Street thence west along the egress drive to the rear of 139 Electric Street. The developer shall also install a gate at the Northwest corner to provide access to the rear of 139 Electric Street property. The pedestrian easement shall be shown on the Final Map to the satisfaction of the Community Development Department prior to filing with the County Recorder's Office.**
 24. To protect the privacy of tenants located at 125-131 Electric Street, the developer shall submit a Sight Line Diagram to the Community Development Department for review and approval. If the Sight Line Diagram reveals that bedroom window views from the Tuscan Palms Townhome project may impact the privacy of the residents located at 125-131 Electric Street, the developer shall install opaque windows on the south facing walls adjoining 125-131 Electric Street. The opaque windows shall be shown on the construction plans for the project.

B. PUBLIC WORKS CONDITIONS:

1. The applicant shall submit and obtain approval of a grading plan, which contains the requirements of Title 15, Chapter 155 of the Auburn Municipal Code. Grading will not be permitted prior to approval of the grading plan and issuance of a grading permit. Securities for grading, erosion control, winterization operations and site restoration and any necessary inspection fees shall be posted prior to permit issuance.
2. The proposed contour information shown on the preliminary grading plan is not approved at this time. The final slopes and grades will be reviewed and approved with construction drawings.
3. An erosion and sediment control plan shall accompany the grading plan and shall include the following:
 - a. Grading and related soil disturbance activities, including vegetative clearance, shall occur between May 1 through October 15 of each year.
 - b. All disturbed soil surfaces, including graded areas, cuts and fills, shall be stabilized and re-vegetated before October 15 of each year.
 - b. Sediment traps and catchment basins shall be installed prior to October 15 of each year.
 - c. Drainage and storm water runoff control systems and their components shall be designed to fit the hydraulic conditions of the full development area and have full flow capacity plus an adequate factor of safety.
 - d. Drainage and storm water runoff control systems and their components shall be designed and constructed to minimize erosion.
 - e. Slopes shall be protected from concentrated runoff and sheet flow originating from the proposed development area.
 - f. Straw bale dikes or filter fabric barriers shall be located down slope on all disturbed areas. These barriers shall be constructed prior to any site grading and shall remain in place and be maintained until the project landscaping or other improvements are established.
 - g. Topsoil may be stockpiled on site and reused for landscaped areas. Stockpiles shall be stabilized during the rainy season (October 15 through May 1) in accordance with the aforementioned criteria.
 - h. Such other information or requirements as the Community Development Director reasonable determines are required to ensure compliance with these conditions of approval; City ordinances, standards and policies; and applicable law.
4. Dust control specifications shall be included on the improvement plans and implemented during construction to minimize dust nuisance during construction.
5. If artifacts, exotic rock or unusual amounts of shell or bone are uncovered during the construction of any improvements, work shall immediately stop in that area immediately and a qualified cultural resource specialist shall be contracted to evaluate the deposit. If

bone is found that may be human, state law requires the same actions plus notifying the County Coroner and the Native American Heritage Commission, Sacramento.

6. In accordance with California Health & Safety Code Section 7050.5: Public Resources Code Sections 5097.94, 5097.98 and 5097.99, if Native American human burials and skeletal remains are discovered during project development, the following measures shall be implemented:
 - a. All work within 100 feet of the site of discovery and any nearby area reasonably suspected to have remains must be halted immediately and the County Coroner and the City shall be notified of the find.
 - b. The Coroner has two working days to examine the remains after being notified by the person responsible for the excavation. If the remains are determined to be Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
 - c. The NAHC will immediately notify the person it believes to be the most likely descendant of the deceased Native American. The most likely descendant has 48 hours from being granted site access to make recommendations to the owner, or owner's representative for the treatment or disposition of the remains and any associated artifacts with proper dignity. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.
 - d. If a most likely descendant cannot be identified, or the most likely descendant fails to make recommendations within the specified time period, the landowner must re-inter the remains and any associated artifacts in an area of the property secure from further disturbance. If the owner rejects the descendant's recommendations, the owner or the descendant may request mediation by the NAHC. If mediation fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance and protect the location as required by Public Resources Code Section 5097.98(e);
7. All construction activities shall be limited to the hours allowed by Title 9, Chapter 93 of the Auburn Municipal Code:
 - i. The performance of any construction, alteration or repair activities which require the issuance of any building, grading, or other permit shall occur only during the following hours:
 - ii. Monday through Friday: 7:00 a.m. to 6:00 p.m. For the period of June 1 through September 30 of each year, the permissible hours for masonry and roofing work shall be from 6:00 a.m. to 6:00 p.m.

- a. Saturdays: 9:00 a.m. to 5:00 p.m.
 - b. Sundays and observed holidays: 10:00 a.m. to 6:00 p.m.
- iii. Any noise from the above activities, including from any equipment, shall not produce noise levels in excess of the following:
 - a. Saturdays: 80 dba when measured at a distance of twenty-five (25') feet.
 - b. Sundays and observed holidays: 70 dba when measured at a distance of twenty-five (25') feet.
 - c. The Building Official may grant a permit for building activities during other time periods for emergency work or extreme hardship. "Emergency work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger. Any permit issued by the Building Official shall be of specified limited duration and shall be subject to any conditions necessary to limit or minimize the effect of any noise
- 8. The applicant shall re-vegetate cut and fill areas as soon as possible using native seed mixes and compatible plantings as specified by the Public Works Department and Soil Conservation Service.
- 9. The applicant shall conduct all soil stabilization activities pursuant to Public Works Department and Soil Conservation Service practices and techniques. Stabilization details shall be shown on the improvement plans for temporary and permanent conditions.
- 10. The proposed contour information submitted with the Tentative Map is not approved at this time. The final slopes and grades will be reviewed with the improvement plans.
- 11. Specific details for cut and fill slopes, open ditches and erosion control have not been reviewed in detail at this time and will be reviewed at the time of improvement plan submittal.
- 12. Any retaining walls necessary as part of the site grading, excluding those that are a part of or are influenced by a structure, shall have designs and calculations prepared and submitted as part of the improvement plan submittal. Said walls shall be reviewed and approved by the Public Works Department.
- 13. Any existing well(s) and septic system(s) on the project site shall be abandoned in accordance with the requirements of the Placer County Division of Environmental Health. A letter from the Placer County Division of Environmental Health shall be submitted prior to building permit issuance certifying that all requirements have been met.
- 14. With the submittal of improvement plans and prior to their approval, a geotechnical report shall be required which shall determine site soil characteristics and provide design parameters. In addition a subsurface geotechnical investigation including soil testing shall

be conducted to determine if liquefaction is a problem. If a problem is identified, mitigation measures could include:

- a. Avoidance of specific areas;
- b. Use of appropriate foundation types;
- c. Over excavation of loose soil and re-compaction under controlled conditions

On-Site Parking Areas

15. Any new pavement for loading areas and other areas subject to truck traffic shall have a minimum structural section of 3 inches asphalt concrete over 8 inches of aggregate base. The parking lot shall have a minimum structural section of 2 inches of asphalt concrete over 6 inches of aggregate base. The actual pavement section shall be based on the R-value method of design for pavement structural sections. These standards shall be indicated on the improvement plans prior to their review and approval by the City Engineer.
16. Prior to the issuance of building permits for the construction of the buildings, the developer shall submit improvement plans for the completion of any new on-site parking areas and/or site improvements.

Streets

17. ~~Curb, gutter, and~~ **Asphalt concrete dike sidewalk** improvements along Electric Street shall be installed along the property frontage to the satisfaction of the Public Works Director. These improvements shall be included as a part of the site plan improvements and completed as a part of those same improvements.
18. Electric Street shall be provided with a 2 inch thick asphalt concrete overlay the full width of the frontage of the property.
19. Any new street pavement shall have a minimum structural section of 3" asphalt concrete on 8" aggregate base. The actual design of the pavement section shall be based on the R-value as contained in a project soils report.
20. The applicant shall provide street lighting per City requirements and show locations on the improvement plans.
21. Valley gutters shall not be utilized in the public right-of-way.
22. All improvements in the City right-of-way shall be done under an encroachment permit issued by the Public Works Department. Trenches shall be backfilled for inspection and approval by the Public Works Department.
23. The private driveway pavement shall have a minimum structural section of 3 inch asphalt concrete on 8 inch aggregate base. The actual design of the pavement sections shall be based on the R-value as contained in the project soil report.

24. The driveway pavement shall conform with standard tapers on Electric Street. Details shall be provided and approved on the project improvement plans.
25. At both intersections of where the private driveways connect with Electric Street a one-way "STOP" shall be installed.
26. All curbing on the project shall be 6-inch barrier type curb.
27. The applicant shall install a "25 MPH" speed limit sign on the private driveway facing traffic entering off of Electric Street into the project.

Storm Drainage

28. Concurrent with the submittal of grading plans, the applicant shall provide a drainage plan and study, in accordance with the Placer County Flood Control and Water Conservation District Stormwater Management Manual which determines increases in runoff resulting from a 100 year storm and a 10 year storm. The analysis shall include provisions to mitigate increased runoff to the approval of the Public Works Department.
29. The drainage plan shall include ditches or swales as required by the Public Works Department to minimize cross lot drainage. Ditches or swales shall be rock lined and/or the use of Enkamat or approved equivalent.
30. The applicant shall be responsible for acquisition of all storm drain easements from adjacent property owners that are required for the construction and maintenance of perimeter and off-site drainage improvements.
31. On site storm drainage systems shall be private. The maintenance of the onsite system shall be the responsibility of the Property Owner.
32. The applicant shall verify the capacity and competency of the existing storm drain system. If the storm drain system is not acceptable, upgrades and/or repairs shall be required by the applicant to the satisfaction of the Public Works Department.
33. Roof drainage shall be directed to the storm drain system in the private driveway.
34. All lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the Public Works Department.
35. The applicant shall use Best Management Practices (BMP's) for the capture of oil and petroleum products from the driveways areas. These BMP's shall be subject to Public Works Department approval.
36. **Prior to the approval of improvement plans or issuance of a grading permit, the applicant shall provide remedies to address the subsurface groundwater flows on the**

property which may require extensive research/investigation. Remedies shall be to the satisfaction of the Public Works Department.

Sanitary Sewer

37. ~~36.~~ The applicant shall verify the capacity and competency of the existing sewer laterals, sewer lines and manholes, **including offsite sewer lines**. If manholes or sewer lines are not acceptable, upgrades and/or repairs shall be required by the applicant, **or the City**, to the satisfaction of the Public Works Department **before the project may proceed (i.e. prior to the approval of improvement plans or issuance of a grading permit)**.
38. ~~37.~~ Prior to issuance of building permits the capacity of the sanitary sewer collection system and treatment plant shall be reviewed and approved by the Public Works Department.
39. ~~38.~~ Necessary sewer line extension(s) shall be the responsibility of the applicant. The applicant shall be required to install and construct all necessary sewer line(s); lift stations and/or force main extensions as needed to meet City requirements.
40. ~~39.~~ All sanitary sewer mains and laterals shall be constructed in accordance with Public Works Department requirements.
41. ~~40.~~ Prior to issuance of building permits the applicant shall pay all appropriate sewer connection fees for the lots.
42. ~~41.~~ The design and location of the sewer service laterals and easements shall be approved prior to the recording of the Subdivision Map.
43. ~~42.~~ All sanitary sewer mains shall be constructed with a minimum 8 inch diameter pipe with 4 inch laterals.
44. ~~43.~~ All abandoned sewer laterals shall be filled and sealed so no infiltration occurs.

Subdivision Map

45. ~~44.~~A title report, issued within the previous six months, shall be submitted with four (4) subdivision map check prints.
46. ~~45.~~The title report shall include the entire legal boundary of property being divided.
47. ~~46.~~Closure calculations shall be provided at the time of initial Subdivision map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation printout. Additionally, the area of each lot shall be shown on the Subdivision Map.

- ~~48.~~ ~~47.~~ Appropriate easements shall be required for City-maintained facilities located outside of City-owned property or the public right-of-way.
- ~~49.~~ ~~48.~~ Easements and other public rights-of-way within and outside the project that are necessary to serve the project (as determined by the City) shall be dedicated to the City.
- ~~50.~~ ~~49.~~ The applicant shall provide the following easements/dedications on the Subdivision Map:
- a. Public utility easements as required by all serving utilities.
 - b. Multipurpose easements (12.5 feet adjacent to all roadways).
 - c. All applicable slope, drainage and special purpose easements that are required for this development and located outside the roadway easements.
- ~~51.~~ ~~50.~~ The subdivision map shall be prepared in accordance with the Subdivision Map Act and local ordinances.
- ~~52.~~ ~~51.~~ Prior to approval of the Final Map:
- a. Improvement plans and cost estimates shall be submitted to the Director of Public Works for review and approval. Security shall be posted for faithful performance and labor and materials, and a subdivision agreement shall be executed with the City prior to recording the Final Map.
 - b. The developer shall contribute appropriate per lot fees to the City of Auburn Recreation District improvement fund.
- ~~53.~~ ~~52.~~ Prior to approval of Building Permits:
- a. The developer shall pay the appropriate City of Auburn Facilities and Equipment Program fee.
 - b. The developer shall pay the appropriate Placer County Facilities fee.

General

- ~~54.~~ ~~53.~~ Prior to issuance of Certificates of Occupancy the applicant shall pay the appropriate City of Auburn Facilities and Equipment Program Fee.
- ~~55.~~ ~~54.~~ The applicant shall obtain a letter from the U.S. Postal Service indicating approval of mail box location(s) prior to improvement plan approval.
- ~~56.~~ ~~55.~~ Prior to approval of the Subdivision Map, the applicant shall provide will-serve letters from the following agencies/service providers to the Public Works Department and comply with their requirements:
- c. AT&T
 - d. Pacific Gas & Electric Company
 - e. Placer County Water Agency

- f. Auburn Placer Disposal
- g. Wave Broadband (Cable)
- h. Auburn Union School District
- i. Placer Union High School District

57. ~~56.~~ Prior to issuance of building permits, improvement plans and cost estimates shall be submitted to the Public Works Department for review and approval. Security shall be posted for the Grading Permit as specified in Title 15, Chapter 155 and for any Encroachment Permit as specified in Title 15 Chapter 160.
58. ~~57.~~ The applicant, at their sole expense, shall repair existing public and private facilities damaged during the course of construction to the satisfaction of the Public Works Department.
59. ~~58.~~ All overhead utility lines serving the project shall be placed underground as required by Title XV, Chapter 160 of the City of Auburn Municipal Code.
60. ~~59.~~ All public improvements shall be completed and accepted by the City prior to issuance of building permits.
61. ~~60.~~ Prior to approval of the Subdivision Map the applicant shall contribute appropriate per lot fees to the City of Auburn Recreation District improvement fund.
62. ~~61.~~ All improvements shall be designed and constructed to current City of Auburn Standards.
63. ~~62.~~ The applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.
64. ~~63.~~ At the time of submittal of the Final Map for Council Approval a digital copy of the map shall be submitted to the Public Works Department. The electronic version shall be in an AutoCAD drawing format.
65. ~~64.~~ Prior to approval of the Final Map the applicant shall provide as-built plans on mylar as well as an electronic version in PDF format.
66. **If construction is planned during the raptor nesting season (March-August), a pre-construction nesting raptor survey shall be conducted for the area of disturbance (on or off-site) by a qualified biologist no more than 30 days prior to grading. If nesting raptors are discovered, either during the nesting raptor survey or during grading activities, a minimum buffer of 100 feet shall be established around the nest and the Department of Fish and Game shall be consulted to establish appropriate avoidance measures to ensure that active nests remain undisturbed until all young have fledged.**

C. FIRE DEPARTMENT CONDITIONS

1. If units are individual ownership, each will be required to have separate fire sprinkler supply with shut-off.
2. Fire sprinkler systems for each building are to be monitored and zoned for each individual unit.

Plan Submittal and Permit

3. Plans shall be submitted to the fire department for approval prior to any work on the project.
4. All applicable fire department fees and permits are to be paid in full as a condition of approval.

Access to Structures

5. Access roadways shall extend to within 150 feet of all portions of the exterior walls of the first story of the structures.
6. Fire access roads shall be designed to provide an all weather driving surface. The access road shall be constructed to the following requirements subject to the approval of the Public Works Department:
 - a. Grades shall not exceed 15% except upon review and approval by the Fire and Public Works Departments.
 - b. Fire access roads shall be a minimum of 20 feet with no parking. Commercial and multi residential buildings 30 feet or greater in height require a minimum 26 feet access with no parking for aerial apparatus operation. Signage shall be provided as applicable which may include posted signs and or red curbing.
 - c. At least 15 ft. of vertical nominal clearance shall be provided over the full width of the roads, driveways, and other means of vehicular access.
 - d. A fire access that exceeds 150 feet shall provide a turnaround for fire apparatus. The turnaround shall be designed and located to the satisfaction of the Fire Department and shall be in service during construction.

Parking/Fire Lanes

7. No parking is permitted on roadways used for emergency access when the road is 20' wide or less or 26' as required based on building height.
8. "No Parking" signs or other designation indicating that parking is prohibited shall be provided at all fire lanes and roads used for fire access.

9. All improvements, including paving and maintenance of restricted access ways, shall be performed to the satisfaction of the Fire Department and the Director of Public Works. Access shall be continuously maintained during the building construction period and required fire lanes shall be maintained in an unobstructed manner and subject to inspection by the Fire Department.

Signs and Premises Identification

10. Premise identification for new buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Commercial and Multi-residential buildings are to have 12" address numbers posted on the frontage side of the building and will require the numbers to contrast with their background.
11. Address numbers shall be Arabic numerals.

Fire Department Rapid Entry System

12. Structures that are required to have a fire alarm system, standpipe or sprinkler systems may install a public safety keybox system for fire department use. The keybox shall contain keys for emergency access, alarm box, fire alarm room, electric rooms, and any other key necessary for emergency entry.
13. To obtain local fire department authorization to purchase a "Key Box" the property owner or his/her authorized representative shall request the necessary order form from the fire department.
14. The property owner shall install the keybox at a pre-approved location on the premises.

Fire Extinguishers

15. Fire extinguishers shall be provided for the protection of the building structure and the occupancy hazards within. Fire extinguishers shall be provided in accordance with the applicable fire code.

Water Supply

16. An approved water supply capable of supplying the required fire flow shall be provided to all buildings or portions of buildings hereafter constructed and occupied.
17. Fire hydrants shall be provided to deliver the water supply in accordance with the applicable fire code.
18. Water flow information shall be verified through Placer County Water Agency. Water supply mains for fire protection systems shall be installed in accordance with the requirements of the Placer County Water Agency.

Fire Flow Requirements

19. Minimum fire flow requirements shall be in accordance with the Uniform Fire Code. Minimum fire flow for a commercial or multi-residential building is 1,500 gallons per minute (GPM) measured at 20 pounds per square inch (PSI).

Fire Hydrant

20. Fire Hydrants shall comply with the following standards:
 - a. Hydrant spacing shall be in accordance with the Uniform Fire Code.
 - b. Maximum distance to any fire hydrant shall not be greater than 250 feet.
 - c. When hydrants are required, driveway/road widths shall be 26 feet (26') for a linear distance of 25 feet on both sides of the hydrant.
 - d. When access, fire lanes, or cul-de-sac depth exceed 450 feet (450'), hydrants shall be required mid-depth.
 - e. Hydrants shall be clearly identified with a blue reflective marker located 6 to 8 inches (6" to 8") from center of street or road way toward hydrant.
 - f. Curbing in front of hydrants shall be painted red 7 feet 6 inches (7'-6") on each side of hydrant.
 - g. Hydrant shall have a minimum of one 4-1/2 inch discharge port and two 2-1/2 inch discharge ports. Each discharge port shall face traffic lane unless otherwise specified.
 - h. The center of the 4-1/2 inch discharge port shall not be lower than 18 inches or higher than 30 inches above final grade.
 - i. A concrete splash pad is required and shall be 3 feet by 3 feet square.

Fire Sprinkler System

21. Automatic fire extinguishing systems shall be required when any commercial or multi-residential structure exceeds 3,600 square feet of total floor area. Approved automatic sprinkler systems shall be as set forth in NFPA 13, NFPA 13D, NFPA 13R, or other NFPA Publications as applicable.

Fire Department Connection (FDC) - (Fire sprinkler system)

22. Fire Department Connection (FDC) shall be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects, including buildings, fences, post or other Fire Department Connections.
23. Hose connections shall be equipped with standard caps, properly secured and arranged for easy removal. Fire Department Connection shall be no more than 40 feet (40') from a fire hydrant. Additional fire hydrants may be required depending on the location of the fire department connection for the building.

Fire Alarm System

24. Every automatic fire sprinkler system shall be equipped with an alarm system. The system shall consist of a water flow switch, valve tampering switch(s), audible warning device(s) and supervised by a central fire alarm station. Based on occupancy, additional alarm devices/systems may be required to provide audible and visual warning, manual activations, and smoke and heat detection.
25. An occupancy exceeding 1,500 square feet and under 3,600 square feet of total floor area shall have an alarm system installed. This is to include: smoke/heat detection, audible warning device(s) and supervised by a central fire alarm station.

Dumpsters or Container Storage

26. Structures of Type I and II Fire-Resistive construction used for dumpster or container storage shall not be less than 10 feet from other buildings.

Fire Protection During Construction

27. Fire department vehicular access to all structures under construction shall be provided at all times. In areas where ground surfaces are soft or likely to become soft, hard all-weather surface access roads shall be provided.
28. The fire protection water supply system, including fire hydrants, shall be installed and in service prior to placing combustible building materials for structures or combustible pre-tested fabricated building assemblies on the project site or utilizing them in the construction of building structures. If phased construction is planned, coordinated installation of the fire protection water system is permitted. Trash and debris shall be removed from the construction site as often as necessary to maintain a fire safe construction site.
29. Flammable or combustible liquids shall be stored, handled, or used on the construction site in accordance with the applicable provisions of NFPA '30 (Flammable and Combustible Liquids Code); NFPA 58 (Standard for the Storage and Handling of Liquefied Petroleum Gases); and NFPA 395 (Standard for the Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects).
30. At least one portable fire extinguisher having a rating of at least 4-A, 30-BC shall be within a travel distance of 75 feet or less to any point of a structure under construction. Personnel normally on the construction site shall be instructed in the use of the fire extinguishers provided.
31. Buildings and structures constructed in Very High Fire Hazard Severity Zones shall, in addition to the requirements of the California Building Code, be required to meet additional requirements as set forth by the Fire Department.

Vegetation management plan

32. A fuel modification plan shall show conceptually the areas of fuel modification necessary to achieve an acceptable level of risk regarding exposure of structures to combustible vegetation. The plan shall be approved by the Fire Department based on criteria as set forth in fuel modification guidelines for high fire hazard severity zones.

D. TREE PERMIT (FILE # TP 09-3):

General Conditions

1. The Community Development Director may authorize revisions to the tree permit (including tree removal) to account for adjustments to utilities, realignment of improvements, etc. All protected trees approved for removal shall be subject to the mitigation requirements of the Auburn Tree Ordinance.
2. The developer shall be responsible for removing all trees recommended for removal by the arborist.
3. Mitigation trees shall be provided with the intent to reflect the character of the site prior to development. Native trees are the preferred mitigation tree; however, site appropriate non-native trees are permitted as mitigation.

Grading/Improvement Plan Review

4. The developer shall work with the project arborist and staff during the preparation of the improvement plans to identify arborist recommended modifications to the plans that will provide or improve tree preservation.
5. The developer shall be required to provide mitigation for all protected trees (with a rating of "2" or greater) that will be removed or impacted as a result of the construction improvements for the project. The mitigation requirement shall be determined using the standards outlined in the Auburn Tree Ordinance. Mitigation may be provided through on-site replanting and/or the payment of in-lieu mitigation fees.
6. Grading/improvement shall identify all protected trees that are located within 50 feet of all proposed improvements and that are six-inches (6") in diameter or larger at breast height. In addition, plans shall show the following information:
 - a. Location of each protected tree and limits of the critical root zone (CRZ). Each protected tree shall be identified using the tree number from the Arborist Report.
 - b. All areas disturbed by grading and/or construction.
 - c. Retaining walls, aeration systems, or other information related to each protected tree.
 - d. A fencing plan illustrating the placement of protective tree fencing at the limits of the CRZ.
 - e. Signs shall be provided on tree fencing identifying protected trees.

7. An Arborist Report shall be completed by a Certified Arborist and submitted with the grading/improvement plans. The report shall include the following information:

- a. A tree site map;
- b. Tree numbers;
- c. Common and botanical name of the tree;
- d. Diameter at breast height (dbh) measurement;
- e. Largest dripline radius;
- f. Number of stems/trunks (including size);
- g. The diameter of the Critical Root Zone (largest dripline radius + 1');
- h. The condition rating (0 – 5) of each tree. Rating is subjective, with Condition = Health and Structure (per the national standard utilized by the Council of Tree & Landscape Appraisers and the International Society of Arboriculture (ISA)). On a numeric scale with 5 being the highest and to zero being the worst condition, utilize the following scale:

No problem	5	excellent
No apparent problem(s)	4	good
Minor problem(s)	3	fair
Major problem(s)	2	poor
Extreme problem(s)	0 or 1	dead &/or dangerous

A rating of "5" indicates no apparent problems found having done a root-collar inspection and/or climbing the tree to inspect the trunks and major limbs.

- i. A summary of the anticipated impacts to each tree and all recommended actions for preservation of each tree. This shall include the critical root zone, exclusionary fencing, watering details (during and after construction), chemical dumping and washing of construction tools, mulching, grade changes, excavating/trenching, pruning, signage, and best landscaping and arboricultural practices. The "recommended action" shall be prescribed to protect as many of the trees that are rated 3-5. Trees rated 0-2 shall also be tagged, plotted on the Tree Site Map, and noted in the Arborist Report, but shall not count as a tree to be saved and may be slated for removal.
8. The developer shall comply with the arborist's recommended measures identified in the arborist report.
 9. In order to minimize damage to adjacent trees, work conducted to remove trees, when adjacent to other trees that will remain, shall be conducted by, or under the direct supervision of, a certified arborist.
 10. The project shall provide protective fencing around all protected trees consistent with the following requirements:

- a. **Type of fencing.** A minimum four (4') foot high chain link fence, plastic mesh fence, or substitute fence approved by the Director, shall be installed at the outermost edge of the critical root zone of each protected tree or group of protected trees. The developer may submit a request in writing to the Director to modify or waive the fencing requirement. Said request shall include a letter detailing the nature of the request and any plans necessary to clearly illustrate proposed changes to fencing plans.
- b. **Fence installation.** Required fencing shall be installed in accordance with the approved fencing plan prior to the issuance of any grading or construction permits. The required fencing shall be inspected by the Department and/or the Engineering Division.
- c. **Signing.** A minimum of one sign shall be installed on the fence around each individual protected tree. Signs placed on fencing around a grove of Protected Trees shall be placed at approximately fifty foot (50') intervals. The size of each sign must be a minimum of eight and one half inches (8.5") by eleven inches (11") and must contain the following language:

DO NOT REMOVE SIGN OR FENCE
WITHOUT APPROVAL FROM THE
COMMUNITY DEVELOPMENT DEPARTMENT
CALL (530) 823-4211 FOR INFORMATION

- d. **Fence removal.** Once approval has been obtained, protective fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Community Development Department.
- 11. Planting live material under native oak trees is generally discouraged, and it will not be permitted within six (6) feet of the trunk of a native oak tree with a diameter at breast height (DBH) of eighteen (18) inches or less, or within ten (10) feet of the trunk of a native oak tree with a DBH of more than eighteen (18) inches. Only drought tolerant plants will be permitted within the Critical Root Zone of native oak trees.
 - 12. Prior to the removal of any trees, there shall be an on-site pre-construction meeting with the developer, general contractor, excavation contractor, project arborist, and representatives from the City to discuss development activities and tree preservation requirements.
 - 13. A surety shall be posted and maintained to insure the preservation of all protected trees during construction. The amount of the surety shall be equal to \$100 per inch of protected tree preserved on a project site, to a maximum of \$10,000. The deposit shall be posted in a form approved by the Director and the Finance Department prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any condition of approval relating to tree preservation shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the Planning Commission.

14. Prior to acceptance of the subdivision improvements, the project arborist shall provide a letter to the Community Development Department certifying that the developer has complied with all of the tree preservation measures required by the conditions of this project.

E. AIR QUALITY:

1. Prior to approval of grading plans the applicant shall submit a Construction Emission/Dust Control Plan to the Placer County Air Pollution Control District. This plan must address the minimum Administrative Requirements found in Section 300 and 400 of APCD Rule 228, Fugitive Dust. The applicant shall not break ground prior to receiving APCD approval of the Construction Emission / Dust Control Plan.
2. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: The developer shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The inventory shall be updated, beginning 30 days after any initial work on the site has begun, and shall be submitted on a monthly basis throughout the duration of the project, except that an inventory shall not be required for any 30 day period in which no construction activity occurs. At least three business days prior to the use of subject heavy duty off road equipment, the project representative shall provide the District with the anticipated timeline including start date, and name and phone number of the property owner, project manager, and on-site foreman.
3. Prior to the approval of Grading plans, the developer shall provide a plan to the Placer County APCD for approval by the District demonstrating that the heavy duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after treatment products, and/or other options as they become available.
4. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: Construction equipment shall not exceed District Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by APCD to cease operations and the equipment must be repaired within 72 hours.
5. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: If required by the Department of Engineering & Surveying and/or the Department of Public Works, the contractor shall have a pre construction meeting for grading activities. The contractor shall invite the Placer County APCD to the pre-construction meeting in order to discuss the construction emission/dust control plan with employees and/or contractors.

6. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: The contractor shall suspend all grading operations when fugitive dust exceeds Placer County APCD Rule 228 (Fugitive Dust) limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond property boundaries at any time. If lime or other drying agents are utilized to dry out wet grading areas they shall be controlled as to not to exceed Placer County APCD Rule 228 Fugitive Dust limitations.
7. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: During construction, no open burning of removed vegetation shall be allowed. All removed vegetative material shall be either chipped on site or taken to an appropriate disposal site.
8. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: The developer shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall "wet broom" the streets if silt, dirt, mud or debris is carried over to adjacent public thoroughfares. Dry mechanical sweeping is prohibited.
9. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less.
10. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: The developer shall suspend all grading operations when wind speeds (including instantaneous gusts) exceed 25 miles per hour and dust is impacting adjacent properties.
11. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: The developer shall apply water to control dust, as required by Rule 228, Fugitive Dust, to prevent dust impacts offsite. Operational water truck(s) shall be onsite at all times to control dust fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
12. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.
13. Prior to approval of Grading Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: All on-site stationary

equipment which is classified as 50 HP or greater shall either obtain a state issued portable equipment permit or a Placer County APCD issued portable equipment permit.

14. Wood burning or Pellet appliances shall not be permitted in multi-family developments. Only natural gas or propane fired fireplace appliances are permitted. These appliances shall be clearly delineated on the Floor Plans submitted in conjunction with the Building Permit application.

The following are recommended conditions which can be utilized to reduce the projects impact on cumulative greenhouse gas emissions and climate change (source: Office of the Attorney General, State of California, recommended Global Warming Mitigation Measures):

Renewable Energy

1. Install solar power systems, solar and tank less hot water heaters, and energy-efficient heating ventilation and air conditioning systems.
2. Install solar panels where appropriate.
3. Use combined heat and power in appropriate applications.

Water Conservation & Efficiency

4. Create water-efficient landscapes.
5. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
6. Design homes to be water-efficient. Install water efficient fixtures and appliances.
7. Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
8. Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site).

Solid Waste

9. Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
10. Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public places.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner Snyder and seconded by Commissioner Vitas, hereby adopts a Categorical Exemption and approves the Design Review (DRP 09-3), Vesting Tentative Subdivision Map (SUB 09-1) and Tree Permits (TP 09-3) for the Tuscan Palms Townhome project subject to the conditions listed above and carried by the following vote:

AYES: Snyder, Spokely, Vitas, Young
NOES: Worthington
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED this 20th day of October 2009.

Chair, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department

**EXHIBITS L & M - ON FILE WITH THE CITY
CLERK & PROVIDED TO CITY COUNCIL
PREVIOUSLY UNDER SEPARATE COVER**

EXHIBITS

